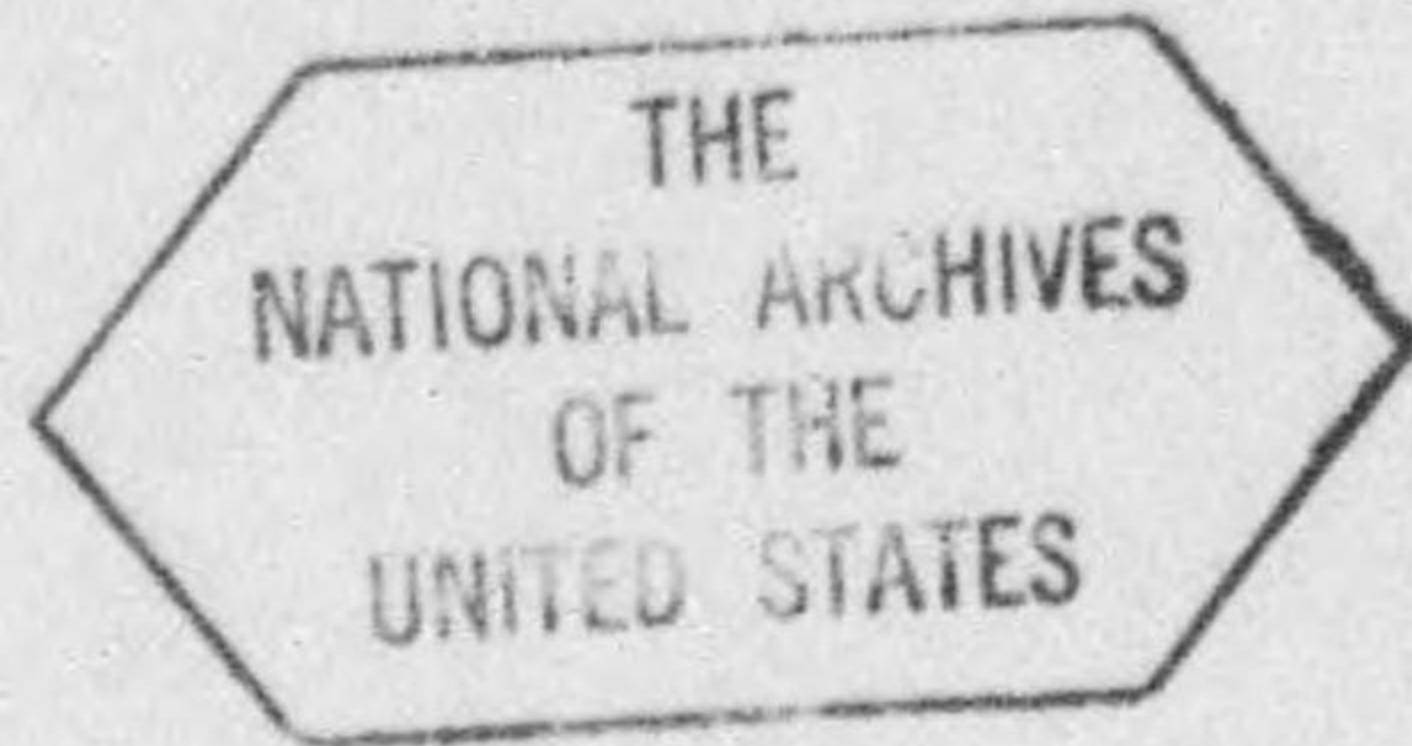


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ITEM 3 Problem of Revising Constitution - Yomiuri Hochi - 10 Jan 46.
Translator: H. Naoji.

500.1
Summary:

The progress of the Investigation Committee of the Constitution, dealing with one of the most important problems faced by the SHIDEHARA Cabinet, has become very important in view of present delicate political situation. That is to say, the above mentioned Committee, headed by MATSUMOTO, Minister-Without Portfolio, has endeavored to make its draft as expeditiously as possible, because of the rapid changes in the political situation. The committee held general meetings seven times since its foundation at the end of October 1945. It is likely that as a result of these deliberations the Committee made general preparations so as to be ready for future circumstances.

The outline of the draft is as follows: Chapters one through four of the present Constitution, namely those dealing with the status of the Emperor as the superintendant of sovereignty, are unchanged except the the Imperial prerogative is altered in that it must be put in motion through the approval of the Diet, and that the ministers of state will be responsible to the Diet. Ambiguous points, such as the true location of sovereignty are still being discussed. However, this is nothing but the outline of the revision and the Committee is still making detailed inquiries about the Constitution.

Now the problem of the revision of the Constitution can be expected to develop hereafter in the following way: In the event of the resignation of the Cabinet en masse, the problem of whether or not the management, personnel, and contents of the Investigation Committee should be opened to the public, and the date of the petition of revision to the Throne will be handled by a succeeding Cabinet. However, as long as the problem of the Constitution is one of the most important problems, any succeeding Cabinet will not be permitted to procrastinate in its deliberations like the present Cabinet, even though the formal Imperial order for discussion of the Constitution is not issued.

In the event of the reorganization of the Cabinet: In case Minister MATSUMOTO remains in the Cabinet, the formal petition to the Throne for revision will take place after the submission of the recommendation on the constitution to the Privy Council. Whether the petition should be presented to the Throne at the special Diet session after the general election or at the extra-ordinary Diet session thereafter, will be decided then with reference to the general situation at that time.

931.6-723 12 Jan 46

Arguments Over the Constitution

500.1
As the Government proceeds with its preliminary deliberations concerning the revision of the Constitution, popular discussion of the problem is becoming more and more vigorous. This is a good sign, for if Japan is to become a true democracy, the structure of the state is a matter which should most certainly be shaped in accordance with the will of the people. To be sure, the masses still remain apathetic, but the increasing interest in the question by various unofficial political and civic groups augurs well for the future.

Although the official proposed draft for a new Constitution now being drawn up under the supervision of Minister Without Portfolio Joji Matsumoto is still in the tentative stage, it is clear, however, that a distinct divergence exists between it and the various suggestions being drawn up by the non-official groups. The chief difference lies in the authority to be accorded to the Emperor. Although all groups, including the Government planners, are agreed that the political power of the Emperor should be drastically restricted and placed under the control of popularly responsible agencies, there is considerable difference of opinion as to how this should be effected.

The official plan seems to be to retain the first four articles of the Constitution pretty much as it is at present, which means that the Emperor would retain the theoretical rights of sovereignty, but the exercise of these rights would be controlled by officials responsible to the people. The various unofficial plans call for the vesting of even the theoretical rights of sovereignty in the people, although the plans differ in the degree and method in which this is to be done.

In the matter of actual results, the difference will probably not be very great, for the actual government of any country depends not so much on the letter of its constitution as on the spirit of the people who put it into effect. Some of the most despotic governments in history have flourished under laws based most clearly upon the authority of the people, while admirably democratic regimes have been based on laws which appear to be despotic but which, through the clever interpretation of some convenient joker clause, have been made to serve democratic ends. No matter how liberal a constitution Japan succeeds in adopting, if the Japanese people do not develop the ability to carry on a democratic government, the constitution will be a failure; while by the same token, even under a pretty anachronistic constitution, if the Japanese people become infused with the spirit of democracy, the government will

be bound to be operated on thoroughly democratic lines.

Thus the importance of the actual wording of the Constitution is probably greatly over-rated. The important thing is the education of the people in the technique of popular participation in the government.

But in this respect, the discussions which are now going on concerning the revision of the Constitution are of most significant educational value. Regardless of what kind of a constitution finally emerges from these discussions, the fact that these discussions are going on is providing the Japanese people with an invaluable experience in the process of democracy. With so much interest and controversy already whipped up in the public mind, when the actual draft of the revised Constitution comes up before the Diet for formal adoption, the Diet is sure to engage in heated and extended debate before it takes any action. All the suggestions and counter-proposals put forth by the people are bound to be taken up on the floor of the Diet. All this cannot help but stimulate the interest of the people in the problem of the Constitution and of government in general as well.

Regardless of what kind of a constitution is finally adopted, regardless of how extensive may be the powers retained by the Emperor, any constitution which emerges out of the process of such a popular debate is therefore bound to be a constitution which reflects pretty well the will of the people. In this respect at least, in stimulating the articulate expression of their will on the part of the people, the present argument over the revision of the Constitution are serving a useful purpose.

NIPPON TIMES
FEB 6 1946

PRESS-COMMENTS

Monday, February 25

TWO DRAFTS FOR REVISED CONSTITUTION

500.1
YOMIURI HOCHI—The draft for a revised Constitution published by the Social Democrat Party on Saturday has disappointed the public, while relieving conservative circles of much anxiety. The Social Democrats' draft is hardly different in substance from the draft published by the Liberal Party sometime ago. The latter party has now come out as a party of conservative democracy, so the public may well feel bewildered as to the basic principles that guided the Social Democrats in drawing up the document, published on Saturday.

On the question of sovereignty, the Social Democrats' draft declares that it resides in the State the "national community including the Emperor." This declaration is identical in substance with the pro-

vision of the Liberal draft which states that the holder of sovereignty is the Japanese State. The two drafts recognize that sovereignty resides in the State; they also agree in the retention of maintenance of the Emperor system. The differences between the two drafts may, therefore, be regarded as matters of subordinate importance, though the Social Democrats' draft goes a step further than the Liberals' draft regarding the separation of power.

The Social Democrats' draft appears to restrict the Imperial prerogatives rather more severely than the Liberal Party's draft, but the difference is largely a matter of form. As to the conclusion of treaties, the Liberals' draft reserves the right as a prerogative matter, while the Social Democrats' draft declares that this right belongs to the Diet, adding, however, that "treaties are signed by the Emperor," a proviso which is very clear in meaning.

As to legislation, the Liberals' draft counts the approval and promulgation among the Imperial prerogatives, while the Social Democrat Party's plan states no more than that the promulgation of laws requires the signature of the Emperor, but there can be hardly any difference between the two plans in this respect, for the approval in question can only take place by Imperial sign manual.

As to the position of the Prime Minister, the Liberals' draft recognizes his superiority over other Ministers, while the Social Democrats' plan states that the latter are to be appointed by the Prime Minister. Here again the difference is a matter of form, for the Prime Minister who chooses his cabinet since the introduction of

the cabinet system. Regarding also the responsibility of Ministers to the Diet, the Social Democrats' plan shows little improvement over the present system. The Liberal and Social Democrat plans agree, as stated above, on basic points, and a perusal of the drafts leaves an impression that they are works of academic minds hardly in touch with popular aspirations. If the political reconstruction of Japan is to go no further

than is indicated in the drafts in question, there is no need of a quick revision of the Constitution, which, as a matter of fact, is already in a state of suspension.

In its chapter on the rights and obligations of the people, the Social Democrat Party's draft mentions the "obligation of labor" and the "special protection of the State for labor," but it contains no other provisions relating to social security. This is disappointing.

NIPPON TIMES
FEB 26 1946

ITEM 2 Public Apathy to Revision of the Constitution - Jiji Shimpō - 28 Jan 46.
Translator: M. Kawanabe

Full Translation:

1005
The JAPAN Liberal Party recently published a draft of a revised Constitution worked out by its special committee. Now we have three drafts. The other two are Prince KONOE's and that of the "Society for the Study of the Constitution" whose chief members are Mr. TAKANO and Mr. SUZUKI. Besides these, a Government draft is now under way by the "Institution for the Investigation of Constitutional Problems".

However, the publication of these was not responded to by the public. Such general apathy may be attributed to several causes so far as the present situation is concerned. One may be that the publication of the Government draft which is vital in this question has not yet been made. Another may be the fact that the people are absorbed in the Emperor System thereby making no further advance in discussion beyond the question of with whom does the sovereignty rest and what is the position of the Emperor? However, the most fundamental and characteristic reason is that our people have such narrow minds as to pretend to feel no interest in what others have accomplished, while really taking it seriously, they begin to make similar plans in secret. When they are completed, they proudly show them before the public and say "We also have a plan".

It is obvious that such evil practices will result in mere competition, full of empty boasts, without gaining any value of careful criticism. This evil habit is not only peculiar to groups like a political party, but also common to our individual people. They will not oppose the opinions of others, nor will they approve of them. Such a closed door tendency and secrecy are quite contrary to democracy. No constructive discussion can be expected unless these are relinquished. Now is the time when all the intelligence and power of the people are needed. We should "make criticism with fellowship" and "try to come to an understanding with each other" as the new statement of the Communist Party puts it.

Despite the conservative opinions of some prudent scholars and politicians, the general opinion is in the direction which holds a fundamental revision or even a renewal of the Constitution as unavoidable. In fact, this is not a time that lukewarm measures should be taken to meet national difficulties. With firm resolve the people must achieve a constitution of tomorrow. For this purpose, each political party and body must co-operate with each other and quit these parallel and, in the end, fruitless efforts in their respective studies. The synthesis of intelligence and power is mostly needed. In this respect, the plan proposed by Mr. TAKANO that a convention for constructing democratic constitution should meet, deserves our attention.

The JAPAN Social Democratic Party recently set up a committee for revision of the Constitution. We hope that the party will not find any childish pride in surprising the public with a sudden publication of its secretly written draft. We also desire that all bodies political or otherwise shall hereafter be democratic and keep doors open to all.

9316-1008 29 Jan 46

ITEM 1 Constitutional Reform and the Political Common Sense of the Nation -
Provincial Newspaper Chubu Nippon (Nagoya) - 23 Jan 46. Translator:
K. Sato.

500.1
 Full Translation:

The Liberal Party disclosed its essential provisions concerning the reformation of the constitution in detail. We highly praise the party in taking the initiative in this undertaking. This problem is the basis of the democratization of JAPAN. Therefore, in regard to the reformation, it is necessary to grasp the opinion of the people in compliance with the POTSDAM Declaration. For this purpose, the Government, not to mention political parties, should, first of all, publish at least a draft proposal, if a reform bill is difficult, and thus solicit the opinions of the people.

According to an opinion by Minister of State MATSUMOTO, the reform bill is likely to be sent to the extraordinary Diet after the coming general election. If it is to be enforced according to intentions of the Government, the government's responsibility for the immediate publication of a reform bill is increased all the more. In other words, it is an urgent political duty on the part of the Government to clarify its attitude by this manifestation, and to take measures to reflect the will of the Nation upon the bill.

It goes without saying, that the most important point in the reform consists of the Emperor System. It is clear that this question will only be decided by the free will of the Japanese Nation, through correspondence between the Japanese Government and the Secretary of State of the UNITED STATES, an agency of the Allies, on the occasion of the surrender, accepting the POTSDAM Declaration. The fact that this problem has been recently discussed and criticized at home and abroad, shows the good intention of opening a highway for the people to manifest their unrestrained free will concerning this subject. Therefore, the Nation has a duty to investigate the Emperor System from every viewpoint, and decide their attitude towards this problem, taking into account these well-meant discussions, and criticisms of the country.

Of course, it cannot be denied, that those in attendance to the Emperor are responsible for letting the Emperor System become the focus of argument within and outside the country. The connection of the Imperial Household to actual politics is as the late Prince KONOE wrote in his memoirs made public of late, "His Majesty is too much reserved," and all the political responsibility lay in the Cabinets and those who served at Court. They followed, to the extreme, the wise remark of OZAKI, Yukio, who once blamed Duke KATSURA of abusing "the Imperial Throne as a rampart, and the Imperial Rescript as bombs."

I cannot but stress that this is the keypoint that the Nation must profoundly consider. For example, the British royal family, according to LASKI and Dean INGE, as well as other scholars, has never been

This is proof that political common sense about the relation between the Imperial Household and the Nation has penetrated to the top as well as the bottom. It has developed to the extent that they do not violate the natural law because of their own desires. This is what we must sincerely learn. The purport of President HATOYAMA seems to indicate the same idea. In a speech delivered along with the disclosure of the draft of a constitutional reform, he declared, "As far as a constitution is concerned, it depends largely upon the application of unwritten law."
 93.6-955 26 Jan 46

ITEM 3 Constitution Reform and Its Terminology - Mainichi Shimbun - 24 Jan 46.
Translator: T. Naruse.

500.1
Full Translation:

The constitution reform plan has been drafted by the Liberal Party; it is such a plan that the Party itself will not pretend that it is supported by the intelligentsia. However, to banish the feudalistic elements from the present political world, and to establish a firm democratic state, even such a plan will serve the purpose. In a word, by a constitutional reform of this extent, JAPAN can become a normal constitutional country.

As I. HATOYAMA, President of the Liberal Party, has stated, JAPAN was led into the present catastrophe because constitutional politics had not been established; that is, the foundation of constitutional politics had not been established, and the framework of the constitution was unsteady.

In the Japanese constitution, the greatest effort has been made to attempt to change the bureaucratic and clannish state into a constitutional state. However bad it may be, party cabinets have been organized by this constitution. Therefore, if the new constitution, such as the Liberal Party has drafted, is enacted, we will certainly be able to expect the enforcement of democratic politics.

Now, the new constitution should be simple and clear, sweeping away the Germanic ideas, designed in an attempt to establish a relation between monarchism and democracy. On the other hand, terms which allow the survival of mysterious power, for example, such as "the Superintendent of the Supreme Power", should also be avoided. This will be the only way to put the Imperial House into a position which has responsibility in law and politics.

It is said that the King of ENGLAND possesses the right to rule, and that Parliament does not prohibit its exercise. The King also has a veto right over the laws, which are passed through Parliament, but this is seldom exercised. As far as ENGLAND is concerned, constitutional politics has no instability. In JAPAN, however, we think that the words "the Superintendent of the Supreme Power" has become the breeding place for all reactionary influences.

Long ago, when a disturbance broke out in a district in FRANCE, the War Minister at that time said "it is a loss to the Nation, but there is no loss to the royal family". In regard to this, Louis XIV stated that "we are the state", but this meant that "all is our responsibility". We must not forget that these words are extremely dangerous.

931.6-935 25 Jan 46

ITEM 3 Liberal's Program On Constitutional Revision - Mainichi Shimbun -
23 Jan 46. Translator: H. Furukawa.

500.1
Full Translation:

The Liberal's program for constitutional revision can be said, in short, to conform to the general trend of today. At present, much the same program as that of the Liberals of old prevail. On the other hand, however, not a few programs for constitutional revision don't agree with the prevailing one.

Be that as it may, temporary righteousness or propriety is worthless. The provisions of the constitution may not be called permanent, but such an attitude as to consider only the present must be avoided in the revision of the Constitution.

Mr. HATOYAMA, leader of the Liberals, said "There are some who demand the overthrow of the Emperor System or insist that the Emperor be reduced to a titular position. The people, hearing these claims, are grieved or become suspicious. Can these arguments really agree with our national traditions or with the faith of our people?"

The grief and suspicion of the people may be the general trend for present. However, the people's grief or suspicion has experienced a considerable change since the termination of the war. So we cannot say definitely that a more radical change will not take place hereafter in the feelings of the people.

What does this change mean? The answer is simple. It means that the situation is still fluctuating. The trouble lies in the problem of a constitution which is the supreme law of the State; serious consideration is needed in revising the Constitution on the basis of the present fluctuating situation. Then, how can the situation be settled? There is no other way to solve this question than to clear the difficult points of the question which the people are discussing.

First, the problem, of the sovereignty is laid before us. The Liberals hold the view that sovereignty should rest with the State and the Emperor who will exercise this sovereignty. What difference exists between the sovereign body and the Emperor as the organ to exercise it? At first sight, the Liberal's view is regarded as the same as the juridical person theory of the State which also holds the view that sovereignty rests with the State. However, a political party, must give a clear interpretation of the sovereignty so it can be understood by everyone. This is preferable to discussing such difficult terms as "sovereignty" which the general public can hardly understand.

The Liberals assert that the Emperor shall have no legal and political responsibility. It is not made clear, however, whether or not their assertion differs from the provision of the present Constitution which says that the Emperor is to be sacred and inviolable. The keypoint of the problem is the actual power of the Emperor when he exercises sovereignty. Will the future politics be entirely smooth even in cases where the Emperor, who has no responsibility, actually exercises his power?

The Liberals' plans are generally based on the English model. In ENGLAND, the principle that the King reigns, but does not rule is firmly established by an unwritten Constitution. If the English rule is adopted in our country where the written constitution exists, the substantial power of the Emperor must be more clearly defined than in ENGLAND. It can hardly be expected that the definition of the Emperor by ambiguous words will prove a great boon to both the country and the Imperial Household, any more than it will affect existing evils. We are placed in the situation where we must solve this question, plainly by the construction of a democratic country. This can also be judged from the fact that the Allied Powers leave this problem to the Japanese Nation.

According to the Liberals' program, a large part of the prerogatives provided for in the present constitution are to be abolished. By this, the Emperor's power will be reduced considerably. This does not mean, however, a substantial change with regard to the Emperor. Since the Emperor will have no legal and political responsibility, this reform plan is no different than the present constitution in substance. It means no more than a political advance of the people by one step.

The Liberal's plan holds that freedom of thought, speech, religion, learning, and art shall not be arbitrarily restricted even by law. Then, how should the term "arbitrarily" be interpreted? It must be noticed here that flexible legislation will be fraught with danger in the future. The security of private property is advocated in the program. We cannot but be doubtful about the program in this point. With legislation based on this program, it must still not be overlooked that vices can often be introduced under a liberal social system.

Be that as it may, as the Liberal have decided and announced their program for constitutional revision in a comparatively precise form prior to other parties, it can be said that they met the demands of the time and the people. It is desirable, however, that they touch the problem of the organization and methods of constitutional revision and the time for it. Any constitutional revision which has no regard for these important points is of no significance.

931.6-933 25 Jan 46

ITEM 2 Dr. TAKANO Proposes Republicanism in the New Constitution - Provincial Newspaper Nagasaki Shinbun (Nagasaki) - 29 Jan 46. Translator: J. Woiller.

500.1
Summary:

At the welcome meeting held in honor of NOZAKA, Sanzo on the 25th, Dr. TAKANO, Iwasaburo, an advisor to the Social Democratic Party and an authority on our country's social questions, proposed the convening of a conference for drafting a democratic Constitution to be undertaken by the people themselves and the adoption of republicanism with a president as the head of the country, and requested that these should be inserted into the program of the democratic front shortly to be formed.

Dr. TAKANO participated, as a member of the Association for the Study of the Constitution (KEMPO KENKYU KAI), in the recently published draft, but against the majority's opinion to admit the Emperor as a ceremonial existence, he and his minority upheld republicanism, and up till then withheld their opinion from the public. The gist of the doctor's assertion is as follows:

Since the Constitution is the law to fix fundamentally the people's political, social, economic and cultural life, it must be the people's charter determined by the demand of the people themselves. The adoption of republicanism with a president as the political head is the fundamental principle of a democratic country and without the sovereignty resting in the people we cannot call it real democracy.

Regarding the president, he should be elected by a general ballot for a term of four years and although the re-election is admissible it is not advisable to elect him for a third time. The Diet will be of a dual house system, and the composition of the First House can well be similar to that of the published draft of the Association for the Study of the Constitution, but regarding the Second House a definite provision should be set up that it should be composed of vocational representatives, such as landowners and tenants, capitalists and employed workers. Needless to say, what has been twice approved by the First House cannot be rejected by the Second House. Other details can be left in the hands of specialists when it is drafted, but the fundamental rules should be set up according to the above assertion.

It appears that the present Emperor cannot exempt himself from war-responsibility. In view of the purge directive of 4 January, the Emperor who is in the supreme public position as the Generalissimo and the Head of the Nation must naturally be responsible in one way or another.

What I want to see besides the above is that the representatives of the Social Democratic Party, the Communist Party, farmers' organizations, labor unions, cultural bodies, organs of public opinion, etc assemble in TOKYO about the middle of May in order to hold a conference for drafting a democratic constitution. Such a conference should be convened not for appealing to the Government but to work out the Constitution with the people themselves, which is the fundamental principle of the people's life. I earnestly hope that the Social Democratic Party and the Communist Party will sponsor such a conference, and at the same time the convening of such a conference may be inserted in the program of the democratic front advocated today. 931.6-1099 3 Feb 46

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PRESS TRANSLATIONS

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POLITICAL SERIES: 272

ITEM 1 The Tentative Plan of the Constitutional Problem Investigation Committee
- Mainichi Shimbun - 1 Feb 46. Translator: N. Tachibana.

500.1

Full Translation:

The Constitution Investigation Committee has held meetings more than twenty times under the chairmanship of State Minister MATSUMOTO since November of last year. At those meetings every committeeman submitted his private plan for the revision of the Constitution, which consisted of "A" plan and "B" plan, and debated on them. Consequently, the draft was completed at the meeting on 26 January and is to be decided finally at the plenary meeting on 2 February.

The Government is speeding up its decision to submit the draft of the revised constitution to the Allied Headquarters and the Far East Committee, and introduced it to the extraordinary Cabinet meeting with State Minister MATSUMOTO's explanation article by article on 30 January. Ministers expressed their opinions actively, and debated on it at the extraordinary Cabinet meeting on 31 January.

The Tentative Plan of The Constitution Investigation Committee:

Chapter 1: The Emperor.

Article 1: JAPAN shall be a monarchy.

Article 2: The Emperor shall be the monarch and exercise sovereign power under the provisions of this constitution.

Article 3: The Throne shall be succeeded by the line of Emperor's sons and grandsons unbroken for ages eternal under the provisions of the Imperial House Law.

Article 4: The Emperor shall not be responsible for his deeds.

Article 5: (status quo)

Article 6:

Article 7: The Emperor shall convoke the Imperial Diet and order its opening, closing, prolongation and dissolution.

Article 8: The Emperor shall issue an Imperial ordinance to be based on law through the debate of the Investigation Committee of the Imperial Diet under the necessity of maintaining public peace or preventing public calamity. This Imperial ordinance shall be submitted to the next session of the Imperial Diet. If the Diet should not approve of it, the Government must announce officially that it shall be ineffective in the future.

931.6-1111

POLITICAL SERIES: 272 (Continued)ITEM 1 (Continued)

Article 9: The Emperor shall issue a necessary order or have it issued to enforce law, but shall not be allowed to change the law by his order.

Article 10: The Emperor shall establish the Government organization of each administrative department, pay the Government officials, and appoint and dismiss officials as in corresponding articles on special cases mentioned in this constitution or other laws.

Article 11: (eliminated)

Article 12:

Article 13: The Emperor shall conclude every treaty, but in the case of treaties concerning matters to be fixed by law, and one which puts the country under a serious obligation, it shall be necessary for him to obtain the approval of the Imperial Diet.
The Emperor shall order the promulgation and enforcement of all treaties.
A treaty shall have the full force and effect of law as soon as it is promulgated.

Article 14: (eliminated)

Article 15: The Emperor shall give marks of honor.

Article 16: (status quo)

Article 17: (status quo)

Chapter 2: Right and Duty of Subjects

Article 18: (status quo)

Article 19: Every Japanese subject shall be equal from a legal point of view. Every Japanese subject shall be allowed to be appointed as a Government official or to engage in other official business equally under qualifications fixed by law.

Article 20: Every Japanese subject shall have a duty to engage in an honorary post or other official business under the provisions of law.

Article 21: (status quo)

Article 22: Every Japanese subject shall have freedom of residence, movement, and occupation. Necessary restrictions to the public good shall be under the provisions of the law.

Article 23: (status quo)

Article 24:

Article 25: No Japanese subject shall have his residence invaded and the restrictions necessary to maintain public peace shall be provided for under the law.

Article 26: No Japanese subject shall be violated as regards privacy of personal correspondence, and the restrictions necessary to maintain public peace shall be under the provisions of the law.

POLITICAL SERIES: 272 (Continued)ITEM 1 (Continued)

- Article 27: (status quo)
- Article 28: Every Japanese subject shall have freedom of religion and the restrictions necessary to maintain public peace shall be under the provisions of the law.
The privileges that every shrine has ever had shall be abolished.
- Article 29: Every Japanese subject shall have freedom of speech, writing, publishing, meeting and association and the restrictions necessary to maintain public peace shall be under the provisions of the law.
- Article 30; Item 1: Every Japanese subject shall be allowed to petition under the provisions of the law.
- Article 30, Item 2: Every Japanese subject shall have a right and duty to receive education under the provisions of the law.
- Article 30, Item 3: Every Japanese subject shall have the right and duty of labor under the provisions of the law.
- Article 30, Item 4: No Japanese subject shall have his freedom and rights infringed upon without recourse to law except on the matters mentioned in this chapter.
- Article 31: (eliminated)
- Article 32: (status quo)

Chapter 3: The Imperial Diet

- Article 33: The Imperial Diet shall be organized by both Houses of the House of State Councillors (SANGI IN) and the House of Representatives.
- Article 34: The House of State Councillors shall be organized by the members elected at every local deliberative assembly and the members who are the representatives of every function under the provisions of the House of State Councillors Law.
- Article 35: The House of Representatives shall be organized by the members elected in accordance with the fundamental principles of liberty, equality, fairness and secrecy under the provisions of the Election Law.
- Article 36: (status quo)
- Article 37:
- Article 38:
- Article 39:
- Article 40:
- Article 41:
- Article 42: The Imperial Diet shall have a session of three months. If necessary, the session shall be prolonged through an Imperial ordinance or decision of each House.

POLITICAL SERIES: 272 (Continued)ITEM 1 (Continued)

- Article 43: If extraordinarily and urgently necessary in addition to a regular session, an extraordinary session shall be convoked.
Both Houses shall be allowed to ask convocation of an extraordinary session through agreement of more than one third of the members of each House.
The session of an extraordinary Diet shall be fixed by an Imperial ordinance.
If necessary, the session shall be prolonged through an Imperial ordinance or decision of each House.
- Article 44, Item 1: (status quo)
- Article 44, Item 2: If one House should be ordered to be dissolved the other one shall be naturally closed.
- Article 45: If the House should be ordered to be dissolved, its members shall be immediately changed and an extraordinary session shall be convoked within three months from the day of dissolution.
This rule, however, shall not be applicable when a regular session is convoked during that period.
- Article 46: (status quo)
- Article 47:
- Article 48: ("Demand of the Government" is eliminated.)
- Article 49: (status quo)
- Article 50:
- Article 51:
- Article 52:
- Article 53: "Any member who is arrested before the opening of a session shall be relieved during that session if demanded by the House." is added.
- Article 54: (status quo)
- Article 54, Item 2: The Investigation Committee of the Imperial Diet shall be established in the Imperial Diet under the provisions of the Parliamentary Law.
The Investigation Committee of the Imperial Diet shall be organized by the members of both Houses.
Even if every committeeman should lose his post as a member of the Diet on account of the expiration of his term of office or dissolution, he shall continue his duty until his successor takes up his post.

Chapter 4: State Ministers

- Article 55, Item 1: Every state minister shall give his advice to the Emperor and be responsible for him.
- Article 55, Item 2: (status quo)
- Article 55, Item 3: Every state minister shall need the confidence of the Imperial Diet on his being in office. If one House should decide upon the lack of confidence in any state minister, the Government shall be allowed to

POLITICAL SERIES: 272 (Continued)ITEM 1 (Continued)

petition to the Emperor to dissolve that House. However, if that House should decide upon the lack of confidence in him again at the next session, that state minister shall retire from office.

Article 56: All the state ministers shall organize a Cabinet. The system and official powers shall be fixed by the law.

Chapter 5: Inducature

Article 57: (status quo)

Article 58:

Article 59:

Article 60:

Article 61: Every lawsuit against any administrative Government office for infringement on rights by illegal measures, or any other lawsuits concerning administrative affairs shall fall under the jurisdiction of a judicial court.

Chapter 6: Finance

Article 62: (status quo)

Article 63:

Article 64:

Article 65, Item 1: (status quo)

Article 65, Item 2: If the House of Representatives should remove or eliminate any article or item of the budget, the House of State Councillors shall not be allowed to restore it to its former state.

Article 66: The expenses of the Imperial Court shall be paid out of the treasury every year at a specially fixed constant sum, and approval of the Imperial Diet shall be unnecessary except where the increase of the sum be necessary.

Article 67: "The determined annual expenditure based on constitutional sovereignty" is eliminated.

Article 68: (status quo)

Article 69, Item 1: (status quo)

Article 69, Item 2: Where a reserve fund is appropriated for necessary expenditures other than by the budget, a debate at the Investigation Committee of the Imperial Diet shall be necessary.

Article 69, Item 3: If a reserve fund should be raid, it shall be necessary to ask approval of the Imperial Diet later.

Article 70: "Through the debate of the Investigation Committee of the Imperial Diet" is added after the words, "If impossible".

POLITICAL SERIES: 272 (Continued)ITEM 1 (Continued)

Article 71: If the budget should fail to secure Parliamentary approval within the fiscal year, the Government shall make a temporary budget within a period of three months within the limits of the budget of the preceding fiscal year under the provisions of the Financial Law, and enforce it. In the case of the preceding item, if the Imperial Diet should be out of session, the Government shall immediately convoke a session and submit the budget which does not contain the past concerning the period of that fiscal year fixed in the preceding item. If the budget fixed in the preceding item should fail to secure Parliamentary approval within the period fixed in Item 1, the Government shall make and enforce a temporary budget according to Item 1. The rule of the preceding item shall be applicable correspondingly to this case.

Article 72: (status quo)

Chapter 7: Supplementary Rules

Article 73: Item 1: (status quo)

Article 73, Item 2: The members of both Houses shall be allowed to propose a revision of the constitution through agreement of more than one third of all the members of each House. Both Houses shall not be allowed to debate on the revision of the constitution, if more than two thirds of the members of each House should not be present. Both Houses shall not be allowed to decide on any revision if more than two thirds of the members present should not agree.
The Emperor shall sanction the revision of the constitution decided at the Imperial Diet and order its promulgation and enforcement.

Article 74: (status quo)

Article 75: (eliminated)

Article 76: (status quo)

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PRESS TRANSLATIONS

No. 1101

DATE: 3 Feb 46

POLITICAL SERIES: 268

ITEM 1 New Constitution is of an English Pattern Minister without Portfolio
MATSUOTO Reveals - Yomiuri Hochi 2 Feb 46. Translator: J. Keller.

Full Translation:

As a result of study and deliberation, we obtained two revision drafts - A and B. The A draft is the one I am now explaining at the Cabinet meetings while the B draft is a collection of various plans in detail in order to be of reference value when studying the A draft but in some case more than three drafts are brought into discussion. At the cabinet meetings we are not studying the two drafts as the final ones and making a choice between the two, but as far as draft go A draft is the basic one from beginning to end while the B draft is no more than the material for my explanation. Neither draft, however, has anything in common with the one rumored to be the Government draft, except for one of the tentative revision drafts sent from various quarters at the end of last year which has some resemblance to one of them. The explanations I am now making at the Cabinet meetings are not on such article but only on the outline of the whole; we intend to go into detail after that.

We intend to make decisions at the Cabinet meeting early next week regarding the important points which will be the essential part of the final draft which is expected to emerge from the Investigation Committee on 2 February.

The Constitutional Question Investigation Committee is not a resolving organ but is an investigation organ. Consequently study is being made at Cabinet meetings from various angles. The investigation conducted by the committee extends over a very wide sphere and studies are carried out in anticipation of various contingencies. As it is, even in case of divergence of opinions in Cabinet meetings there is no need to call the committee hurriedly and it is not scheduled to be convened until a decision is arrived at by the Cabinet, when supplementary rules, etc will be submitted for study.

As a matter of fact the revision will leave the hands of the Investigation Committee tomorrow and in the future a draft decided by the Cabinet will be submitted to the Deliberation Committee to be set up in the Cabinet. The committee will be composed of the organization according to an Imperial Ordinance, and the draft, after being duly passed for deliberation, will be forwarded to the Privy Council for Imperial ratification and from there be submitted to the Diet. I think the suitable time for the publication of the draft is immediately before submitting it to the Deliberation Committee. Of course it would be more democratic if the draft were studied by various other bodies than the Deliberation Committee and also if the draft were published before the announcement of the date of the election so that the candidates might face the election and express their respective views on the proposed revision, but I am afraid, owing to various circumstances, it will be difficulty to obtain a timely publication. If, however, it can be done before the announcement of the election date it would be a comparatively easy matter to map out the supplementary rules, etc. before the extraordinary session after the general election.

9316-1101

500.1

POLITICAL SERIES: 268 (Continued)ITEM 1 (Continued)

As I replied to the questions at the last extraordinary session of the Diet I do not feel the need for changing articles 1 to 4 in view of their meaning. Some people may take my attitude as very conservative or undemocratic, but it is quite natural to leave room for political and legal debates in the Constitution and it is not proper to conclude that I am adhering to a Constitutional Monarchy because of my attitude of not revising articles 1 to 4. The question whether the subject of sovereignty rests with the polity or the people should be left to political or legal debates and it is wrong to expect such definitions from the articles of the Constitution. It is dangerous to measure such a question with a definitive conception and I hope the public will discover the quality in the draft to be published. Needless to say, it is our intention to fulfill the part of the POTSDAM Declaration, and the proposed constitution as whole is anglicised, with as few articles as possible but embodying the fulfillment of the POTSDAM Declaration.

ITEM 2 Constitution Reform, Investigated; Ministers Discuss Consensus Question - Tokyo Shinbun 2 Feb 46. Translator: R. Ochiai.

Full Translation:

500.1
The Cabinet, having its daily meeting with regard to Constitution revision, is seriously investigating the bill which MATSUMOTO, Minister without Portfolio, presented. The ministers are frankly expressing their opinions especially on the articles that provide for the Emperor's position and his sovereignty, and are in a hurry to draft the original plan after thorough and careful consideration.

Therefore, at an ordinary Cabinet meeting on 1 February, the points of their discussions will center on the Constitution revision bill. Before the meeting, Foreign Minister YOSHIDA, Finance Minister SHIBUSAWA, Minister without Portfolio MATSUMOTO, and the Cabinet Chief Secretary NARAHASHI had an informal talk at 0930 in the secretary's official room.

Besides the revision bill, they are going to decide the details on the census which must be carefully taken during the week after the general election, according to the directive issued by SCAP.

ITEM 3 Constitution 1 Reform Draft Expected Ready Next Week - Social Democrats and Communists Express Opinions on 4-Minister Statement - Nippon Sanjyo Keizai (Japan Industrial Economy) - 2 Feb 46. Translator: K. Onishi.

Full Translation:

500.1
For a speedy solution of the problem of constitutional reform, the Government is holding Cabinet meetings every day to study the subject mainly in the light of the tentative draft drawn up by the Constitution Investigation Council and it is expected that the Government's interim draft will be ready during the next week at the latest, and the Constitutional Reform Council as a Government organization will be established where the representatives of the Government and the people will discuss the draft.

When the Government draft is presented to the Council, it will be simultaneously announced to the public to ask their opinions. The day for this is expected to be about 1 March which is the day the announcement of the date of the general election. As a result, coupled with the election campaigns the people's discussion of Constitution reforms will become active and the attitudes of all the people will gradually come to light. At the Council, there will be revisions of the Government's original draft, but there will be also fairly warm discussions at the Privy Council. After the draft is approved by the

POLITICAL SERIES: 268 (Continued)ITEM 3 (Continued)

Imperial Council, the Government for the first time appeals to the Emperor for his proposal to reform the Constitution, and by Imperial order the draft will be presented to the Imperial Diet for discussion.

For two months, from now on to the end of election, and among both the Government and political parties, the problem of Constitutional reform will be the center of public opinions. Further, the opening of the special Diet session is expected to be about 20 April, and the Government will study the revisions and abolition of appended regulations for simultaneous presentation. The reform draft discussions will be continued at the Cabinet meeting to be held on 4 February at 1330, it was decided.

MR. MIYAZAKI (Social Democratic Party) says, "No objection, but we object to its capitalistic application. As for our party, it is our policy that we direct it in conformity with the spirit of the Labor Union Law, and we have no objection in principle to the Government's statement, but in actual practice it is a serious question as to how to dispose of violence, threats, and encroachment upon ownership. To be blunt, the labor dispute itself is a sort of threat, which, if the law is to be applied strictly, may forbid the labor dispute itself, but this way of thinking does not apply in the case of labor disputes even when considered from an academic standpoint. Besides, during the war, didn't the capitalists maltreat the laborers with violence and threats? We object to any unilateral application that disregards the long cherished sentiments of the workers. Therefore, a big question lies in where to draw the line of demarcation between impunity and violation. On the other hand, the capitalists ought to behave themselves in such a way that they be held in affection by the workers and so be free from violence and threats."

MR. KUROKI (Communist Party) says: "It is the suppression of the workers'. The Government's statement on labor disputes suppresses the workers' management control. There is no infringement upon private ownership by the workers' management control; it is contrary to the facts, because there are even instances of increases in their profits as the result of the increased output by the workers' control of management. As for violence and threats, the party is not leading them in that way at all; we are leading them to proceed in peace. The Government's attitude ignores the right of labor based on the POTSDAM Declaration, and it exercises suppression, standing on the view-point of the Emperor system. It is a violation of the treaty following the POTSDAM Declaration, it obstructs the democratization of JAPAN and such a Government must be overthrown at once."

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PRESS TRANSLATIONS

No. 1121

DATE: 4 Feb 46

POLITICAL SERIES: 275

ITEM 1 Attack on Government's Revision Draft of Constitution - Mainichi Shimbun-
2 Feb 46. Translator: T. Kijayama

Full Translation:

The revision of the Constitution has been and is being investigated deliberately by the Government, political parties and eminent scholars. The Government's draft of the revision has just been published, and the ideas of the SHIDEHARA Cabinet concerning this problem are now clarified. The Liberal Party which advocates the joint rule of the State by the Emperor and the people, the Communist Party which says that sovereignty rests with the people, and the Social Democratic Party which stands by the judicial function of the State, all criticized the Government's revision draft of the Constitution, each from its own standpoint.

MIZUTANI, Chozaburo of the Social Democratic Party said: Our Party is fundamentally against the Government's revision draft which maintains the status of the Emperor on the same principles as before. It is doubtful whether the fulfilment of the Potsdam Declaration and the revision of the Constitution can be realized by such a draft. If the Emperor occupies the position of a superintendent, there is danger that those who really hold the power will in the future rule the nation in the name of the Emperor against democracy, though in other ways limitations to sovereignty may be provided. The Emperor himself stated to a correspondent of the NEW YORK Times that he desires the English style of monarchy. If the status of the Emperor is as above-mentioned, it is far different from the English monarchy. The adoption of the Chamber of Councillors (SANGIIN) in place of the House of Peers, and of the provincial representative system in conjunction with the professional representative system is all very well for the downfall of the feudalistic character of the House of Peers. But I can't understand why it is that a session of the House of Representatives which holds the actual power in politics is limited to three months. The Diet should be made a standing body. As this is a fundamental part of a democratic government, we should like to make it so by all means. We also disapprove of that portion of the draft which states that the power of dissolving the Diet rests with the Cabinet. I think the proceedings for the appointment of a Premier should be determined by the Diet. "I cannot understand the Government's intention in making a draft revision of the Constitution at the present time. Such an important task should not be undertaken in such unsettled times as these.

Is the Government attempting the task in anticipation of it's being revised again in the near future? Or does it feel that the present revision will last for a tolerably long time to come? Whichever it may be, the main purpose of the Constitution revision depends on whether changes have been made in Articles One to Four. It is essential that the Emperor be prevented from ruling. Why is it again that the abolition of the Privy Council is not touched upon in this revision? Does the Government intend to allow it to continue to exist? If so, the principle of not allowing the Emperor to rule in practice is not established firmly. It is also necessary I think, that the nation's rights and obligations to labor, the right of workers to unionize, the right to strike, the right to "go-slow", etc. should be granted."

931.6-1121

500.1

POLITICAL SERIES: 275 (Continued)ITEM 1 (Continued)

SHIGA, Yoshio of the Communist Party said: 1. "It is impossible to carry out revision of the Constitution under the present Government which is as far behind the times as any Government has ever been. 2. In the Government's draft, the Emperor still holds all sovereignty. This really obstructs democratic reconstruction, and is quite contrary to our party's ideology which advocates that the sovereignty rest with the people. 3. This draft intends to maintain all of the Emperor System prerogatives as in Article Ten, while the bureaucrats continue to monopolize Government machinery under the Emperor System. 4. Why is it that the Government, in the articles treating of the rights and obligations of the people, has reaffirmed the limitations on their rights as before. 5. The Diet alone has the right to approve the power of the Emperor System. The idea of representing the people is ignored. It seems to be calculated to maintain the status quo. 6. As for judicial rights, the Government seems to intend to leave them as they are now, and arbitrarily to suppress the people's democratic rights. It is absolutely essential that judicial bodies be chosen which represent the people. 7. We cannot understand why the present Government which cannot even stabilize the living of the people, is in such a hurry to revise the Constitution, and why at this early stage of democratization, it forces the people to accept a Constitution of their making, and not one which reflects the will of the people."

KITA, Reikichi of the Liberal Party said: "Our party, as has already been announced, adopts the policy of the sovereignty of the state. We stand on the ideology of joint rule by the Emperor and the people. In the Government draft, the Emperor is to exercise sovereignty. What sort of rule does the Government intend to make the Emperor adopt, I wonder? We support a system in which the state ministers use the sovereignty to assist the Emperor. The Government's draft does not clarify what sovereignty is. In the matters of judicial rights, our idea of the independence of judicial rights means the administering of justice with the nation's support. We have already clarified this point in writing. All in all, the Government's revision draft shows nothing progressive in it."

ITEM 2 Government Bill on Constitution Revision to be Settled Next Week -
Mainichi Shimbun - 2 Feb 46. Translator: S. Sano

500.1
 Full Translation:

An extraordinary Cabinet Meeting was held after the regular Cabinet Meeting on 1 February, and Minister without Portfolio MATSUMOTO, delivered a detailed explanation, article by article, of the Constitution Revision based on the deliberations of the Investigation Committee for the Revision of the Constitution (KEIHO MONDAI CHOSA KAI), which were continued at the last two extraordinary Cabinet Meetings on 30 and 31 January.

The Government is scheduled to hold another Cabinet Meeting at 1330 on 4 February and the final detailed explanation will be concluded with that Cabinet meeting. The seventh general meeting of the Investigation Committee for revising the Constitution is to be held at the Premier's official residence at 1000 on 2 February and the final decision on the draft of the revision is to be made at that meeting. The contents of what is decided on at that meeting are conjectured to be nearly the same as the A and B drafts upon which the Minister without Portfolio will elaborate.

Government policy regarding the revision of the Constitution is to the combined opinions of the Cabinet on the draft made by Minister without Portfolio MATSUMOTO, to consider the opinions of other Cabinet Ministers during the following week, to obtain the consent of MacARTHUR's Headquarters or that of the Far Eastern Commission during February, to submit the draft to the Deliberation Committee which will be organized at the beginning of March, and at the same time to publish the contents of the draft and deliberate on the bill after hearing the comments of the public.

POLITICAL SERIES: 275 (Continued)ITEM 2 (Continued)

The Bill will be brought before the Privy Council after a decision is reached and will finally be submitted to an extraordinary session of the Diet convoked after the general election.

Regarding this Constitutional revision the Minister without Portfolio spoke on 1 February as follows: "At the Cabinet meeting I shall be chiefly concerned with explaining the A draft, as the B draft is dependent upon it, and with adding 8 other necessary remarks which are not in either draft. I think no change should be made in the essential spirits of Articles One through Four though some changes will be made in the wording. However, it cannot be immediately concluded that it is a conservative constitutional monarchy simply because articles One through Four are not to be revised. As is clarified by Article Four, the Emperor presides over the administration as given in each article of the Constitution. Therefore if each can be democratized, the spirit of articles One through Four are also perfectly democratized. The main object of the present revision is to make as few changes as possible and at the same time fulfil perfectly the POTSDAM Declaration. The Investigation Committee for the Revision of the Constitution concluded a general meeting on 2 February. In the future, general meetings or committee meetings are to be held when necessary.

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**Public Likely to Fight Matsumoto's Plan
On Constitution Reform If It Is Adopted**

500.1
The tentative draft for Constitution revision made by the Government Council for Revision of the Imperial Constitution, headed by Minister without Portfolio, Dr. Joji Matsumoto, which has been explained and discussed at the Cabinet meeting since January 30, has caused considerable repercussions because, in many vital points, the Government draft is in variance with the revision drafts already announced by the Liberal Party, the Communist Party, the Constitution Investigation Society, the Japan Lawyers' Association, and Sanzo Nozaka, Communist leader, Kyodo reports.

At the Cabinet meeting held Thursday, the examination of the draft revision was finished up to Article XXVIII, and it is now believed that the work will take several days more.

At the Cabinet meeting held Wednesday, the opinion of Dr. Matsumoto differed from that of Justice Minister Iwata, on the Articles relative to the Emperor's authority respecting command and diplomacy. Dr. Matsumoto insisted upon the retaining of those Articles, while Justice Minister Chuzo Iwata proposed their removal. As no decision was made on this point, it was left for further discussion.

It is Dr. Matsumoto's contention that the first four Articles of the Constitution do not require revision, having no relation to theories or ideas as pointed out by private constitution experts. Therefore, unless there is any particular opinion presented by other State Ministers on this point, it is believed that no fundamental revision will be made in the Articles concerning the Emperor's authority.

Articles I to IV concerning the Emperor have become an important political topic of discussion, and form the base of the so-called Emperor system. All constitution revision drafts proposed by private circles have made it absolutely necessary to make revision in the Constitution as regards the position and authority of the Emperor. Thus those private revision drafts are in confrontation with the Government draft.

Respecting the position of the Emperor, the draft revision made by the Liberal Party insists that the main body of administrative authority is the State, the Emperor is the supervisor of the administrative authority, and the Emperor has no legal and political authority. The Communist Party proposes that the sovereignty is in the people, and the Diet, based on the franchise of men and women above 18 years of age, controls the sovereignty and elects officials forming the Government. The draft of the constitution Investigation Society says that the administrative authority of Japan is in the people,

the Emperor does not personally administer the country, the Cabinet is the supreme authority responsible for the entire administration, and the Emperor undertakes State ceremonies at the authorization of the people.

The draft made by the Lawyers' Association proposes that the Emperor system is to be maintained, and a democratic political structure is to be established in accordance with the Potsdam Declaration, while the Imperial Household Law is to be revised so that the Emperor will be enabled to retire. Dr. Iwasaburo Takano proposes that the

Constitution is to be so revised to have a president elected by the people as the head of the nation. The draft made by the Office of the Lord Keeper of the Privy Seal makes the Emperor the supervisor and executor of the administrative authority, but its execution is to be made with the support of the people.

In a statement issued January 14, Nozaka said that the abolition of the Emperor system means its removal as a State system, and that the maintenance or abolition of the Imperial Household is another question. Then, the Social Democratic Party expressed its view on the Emperor system question that the authority of the Emperor should be greatly reduced but the Emperor is to be maintained as the symbol of national honor and dignity. The views of the Progressive Party are on the whole somewhat similar to the Government draft plan.

Thus, it is seen that all drafts made by political parties and others are demanding the democratization of the Constitution, but the Government plan, drafted by Dr. Matsumoto, has shown no intention to democratize it. Therefore, if the Government insists upon the adoption of the Matsumoto draft, public opinion will rise against it, Kyodo reports.

Nippon Times 3 Feb 46

500.1

Avoid Ambiguity

The Japan Liberal Party some time ago made public an outline of its proposed revision of the Constitution. It is likely that even the party authorities may not be confident of winning intelligentsia's support of this proposal.

With a revision of this kind, however, it may prove sufficient to drive feudalism out of the actual administration, and to plant moderate democracy. That is to say, with the revision proposed by the Liberal Party, Japan may pass as a democratic nation as a whole.

Ichiro Hatoyama, president of the party, pointed out that the present day catastrophe of Japan has resulted from a fact that a constitutional administration was never established in this country. That is, the foundation of a constitutional administration was not well built, and in addition, the frame work of the Constitution was not what it should have been.

Again, said in other words, Japan's Constitution was something peculiarly Japanese which embodied special efforts of those who drafted it in such a manner as to give an appearance of constitutionalism to a bureaucratic factional State.

Even with the existing Constitution, however, party cabinet was organized in the past. With the new Constitution, which is proposed by the Liberal Party, it may prove possible that democratic administration can be put into practice.

Today, nevertheless, the German school of thought which was inculcated in our country to vignette the relationship between the monarchy and democracy, should be done away with. It is better to make it simple and clear cut, by eliminating such an ambiguous expression as "one supervising over the sovereignty" which makes one think as if some kind of mysterious power is still remaining therein. Perhaps such is the only way left open to place the Imperial Household in a position in which the Emperor will have no legal or political responsibility.

As regards the British King, it is learned that the King has a power which the Parliament does not prohibit to exercise. It is not that the King has not the right to veto a bill passed by the Parliament but that he has not exercised that power for more than 200 years. Such a form of constitutional administration by tradition finds no cause for instability because it is exercised in England. In Japan, on the other hand, there is a possibility of all the reactionary elements again finding stronghold in the expression "one who supervises over the sovereignty."

Louis XIV once declared that he was the State. This statement, however, was made at a time when there was a disturbance in some rural district and the War Minister informed the ruler that it was a loss of the State and not that of the Royal Household. One should ponder on the fact that a word may mean many things—that it can be dangerous.

Mainichi 30 Jan 46

ITEM 2 The Society for the Study of the Constitution Advocates the Enactment of the Constitution by the People Themselves - Yomiuri-Hochi - 15 February 1946. Translator: N. Tachibana.

500.1
Full Translation:

In contrast to the government investigation committee of constitutional problems under the leadership of Minister without Portfolio MATSUMOTO, the Society for the Study of the Constitution, which consists of private citizens under the leadership of Dr. TAKANO, Iwasaburo, has been studying a new constitution at the regular meeting on Wednesdays every week so as to make a democratic constitution which would be the foundation for the establishment of democracy in JAPAN.

From the viewpoint that the speedy enactment of a democratic constitution is vital to the reconstruction of JAPAN, this society has decided to organize people's preparatory conference for the enactment of the constitution in order to rouse public opinion. The statement on 14 February follows:

"The constitution determines the execution of the reconstruction of JAPAN, and its quality decides the destiny of the liberation or ruin of the national life of all the people. The enactment of a democratic constitution is the very fundamental problem for the start of a democratic JAPAN. Such a constitution has to be studied, discussed, and decided by the people themselves.

Nevertheless, the Government is representative of only a part of the reactionary influences, and is not at all entitled to establish a new JAPAN. For instance, it is extremely, non-democratic in its preparations and methods for the revision of the constitution and the contents of the draft of the revised constitution. Such a constitution will prevent the democratic reconstruction of JAPAN, hinder the liberation and improvement of national life, and provoke disbelief and antipathy among the people.

We advocate the holding of a preparatory meeting for the enactment of the constitution, which should be the very fundamental law of the establishment of a democratic JAPAN, in concert with the people who are eager for the realization of democracy, and parties, workers' and peasants' labor bodies, organs of public opinion, cultural and female organizations, and all the other progressive bodies. We want to organize a preparatory committee for the people's conference for the enactment of the constitution about the middle of March; it will consist of a wide assembly of representatives of each body and other friends, and will introduce each draft, and develop the movement for the enactment of the constitution by the people themselves.

ITEM 2 The Drafts of the Constitution Revision - Provincial Newspaper Kobe Shimbun (Kobe) - 16 Feb 46. Translator: S. Sano.

Summary:

500.1
Of all the drafts of the Constitution Revision made by political parties or others, it is worth noticing that the draft made by the Progressive Party announced in 14 February, provides most definitely about the position of the Diet under the new Constitution. On revising the Constitution, all the draft-makers have agreed on the point that the Diet's powers should be expanded in order to establish the basis for democracy, while they are not agreed regarding the problem of the Emperor system. The following are outlines of each draft.

(1) The draft made by the Progressive Party

The Imperial Diet will be composed of the House of Representatives and the House of Councillors in place of the House of Peers, and the House of Representatives is no more powerful than the House of Councillors.

For example, the House of Representatives has the right to prior consideration of the budget and other financial bills, and the power to veto the revival by the House of Councillors of a budget which the House of Representatives has previously thrown out; that is a budget which has been rejected by the House of Representatives may up to now be revived by the House of Councillors, but, in this case, the House of Representatives can prevent the bill from being revived for consideration.

The right of approval of a bill which has been passed twice by the House of Representatives; that is, a bill which was approved by the House of Representatives may be rejected by the House of Councillors; this bill can however be transferred again to the House of Representatives, and if the bill is approved twice by the House of Representatives, there is no further need for obtaining the approval of the House of Councillors.

The attempt at the organization of a Cabinet by the House of Representatives only, or a non-confidence vote in the Minister of State.

The session of the Diet is five months; urgent Imperial edicts, establishments of emergency measures on financial problems and convocation of extraordinary sessions of the Imperial Diet during the adjournment of the Diet, will be deliberated after the establishment of a Permanent Committee in the Diet.

Further, there are provisions for making the position of the Diet so important that the head of the succeeding Cabinet, the Premier, should be referred to the presidents of both Houses by the Emperor, the Premier and all other Ministers of State are responsible to the Diet, and the Privy Counsel should be abolished.

(2) The draft made by the Liberal Party

The draft of this party is nearly the same as that of the Progressive Party, that is, to establish the House of Councillors in order to raise the position of the House of Representatives, to resolve a non-confidence vote in the Government, to abolish the Privy Council etc; but the draft of the Liberal Party is less good than that of the Progressive Party as regards verbal forms.

POLITICAL SERIES: 378 (Continued)ITEM 2 (Continued)

(3) The draft made by the people

This draft was made by the People's Investigation Committee on the Constitution Problem, (MINKAN KENPO MONDAI KENKYU KAI) with Mr. TAKANO, Iwasaburo and others. The characteristics of the draft are: to claim the making of one big election district extending all over the country; to assert the function of representatives system, (SHOKUNO DAIHYOSEI); to establish a National Court in the Diet in order to try Ministers of State or other officials and to provide for the dissolution of the Diet by the people's vote; and the aim of raising the position of the House of Representatives, is common with draft of the Progressive Party.

(4) The view of the Communist Party

The party is demanding a revolutionary Diet with the following peculiar measures; that is, the supreme powers of the Diet should be controlled by the people, and, for this purpose, the Diet should consist of any people over 18 years of age, and the persons who compose the Government should be elected from the member of the Diet; the members of the Diet are to be responsible to the people and they will be promptly dismissed when they are not faithful or unfair to the people.

(5) The opinion of the Social Democratic Party.

Though a final draft has not been made public as yet, the characteristics of the party's draft are: the expansion of the Diets powers, the responsibilities of all Ministers of State to the Diet and the abolition of the Privy Council, urgent Imperial edicts or the power of enforcement of last year's budget etc.

(6) The draft made by the Government

According to the draft of the Constitution Revision, made by the Government with Dr. MATSUMOTO at the head, the main points seems to be the expansion of the matters which need the approval of the Diet so as to restrict the sovereignties of the Emperor, and to make the Ministers of State responsible to the Diet.

However, the Government draft of the Constitution revision, it is feared, will not come up to the people's expectation, and it will be necessary for the Government in the future to pay more consideration to drafts or opinions of others, on deciding the final draft of the Constitution revision.

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PRESS TRANSLATIONS

No. 1553

DATE: 27 Feb 46

EDITORIAL SERIES: 507

ITEM 1 Liberals' and Social Democrats' Revision Plan of Constitution - Yomiuri Hochi Shimbun - 25 Feb 46. Translator: H. Furukawa.

Full Translation:

500.1
 The Social Democrats' program for the Constitution revision announced on 23 February was most disgusting to the laboring masses who support that party, while the conservative privileged class is supposed to feel relieved on seeing the program. It is difficult to find any essential difference between the constitutional program of the Social Democrats and that of the Liberals decided on 21 January. The Liberals already clarified their conservative standpoint and started an anti-Communist campaign, and the Social Democrats, the proponents of socialist propaganda, also announced a constitutional plan similar to that of the Liberals. The people cannot but be bewildered at this astonishing fact. Also we doubt that such a program is the fruit of our efforts to which we made sacrifices during the past dark age of ten years or so.

Regarding sovereignty, the most important issue in the constitutional revision, the Social Democrats' plan says "the sovereignty shall be vested in the State (the national community in which the Emperor is included)", while the Liberals assert "the sovereignty shall rest with the State of JAPAN". There is only a difference in method from the Liberals' plan which supports the Emperor as the superintendent of the sovereignty, and that of the Social Democrats providing for split sovereignty of which a larger part is vested in the legislature. Since both of them declare the state as the source of sovereign power and accept the Emperor as the head of the country, there can be no fundamental difference between them. Moreover, the prerogative of diplomacy, for instance, is admitted by the Liberals, and the Social Democrats also authorized the Emperor to sign the treaties which the Diet shall conclude. There is only a difference of extent between them over that matter. An article of the program of the Social Democrats on that matter denies the veto of the Emperor. Can the right of the Diet to conclude treaties not be hampered in case of a failure of the Emperor to sign the treaty? The Liberals vest the legislative power in the Emperor to give sanction to and promulgate laws, while the Social Democrats provide for the Emperor's signature as the necessary procedure for the promulgation of law. Is there any difference between these two? We can find none. So long as the Emperor's sanction is exercised in the form of a signature, it is meaningless to make distinction between the terminology of sanction and signature.

Regarding the appointment or organization of the administrative offices, the Liberals' program made it clear that the premier will be superior to the other State Ministers as the head of the Cabinet, while the Social Democrats assert that the premier will appoint the secretaries and the State Ministers. This assertion too has no essential difference with the former. Under the existing cabinet system affirmed by the Imperial Constitution granted by the Emperor MEIJI, he who received the Imperial

EDITORIAL SERIES: 507 (Continued)ITEM 1 (Continued)

order to organize a new cabinet has been the actual appointor of his cabinet members. In the program of the Social Democrats, however, the premier seems to be competent to dismiss a cabinet member who is disobedient to him, and thus dissension in the cabinet, which was the main cause of political changes in former days, can be avoided. Then, it is ridiculous that the whole cabinet, not the individual premier, is to be responsible to the legislature according to that plan. According to a certain interpretation of the said article, the new cabinet system shows little progress over the existing system. Also in other various points there can be found no fundamental antagonism between the programs of either party, and both parties stand on the idea of the stabilized constitution based on formalism. We feel deeply that their programs are not the results of struggle by the laboring masses, but the product of ideological discussions among commissions. It will be better, we suppose, to postpone the enactment of the new constitution until public opinion reaches a final conclusion, rather than to hasten it when the two parties, both of which assume to be representative of the people, are in favor of a new constitution of such a kind.

The existing Imperial Constitution has been in fact suspended since the acceptance of the POTSDAM Declaration and the unconditional surrender, and the state and the nation can continue to exist without the written constitution as proved in many instances. Democracy in our country is so idealistic and unstable that the democratic parties are still adhering to old formality.

Lastly, concerning the provisions on economics in the Social Democrats' plan, the first article declared that the waging of a socialist economy shall be accomplished. In the chapter in which the rights and duties of the people are provided for, however, it provides that "the people have the duty of labor. Labor shall be assured by the State in a special manner". We cannot understand the reason why there is almost no other special provision to that effect other than the above simple sentence. A more precise provision is needed to realize and maintain the socialist principle, which preaches that every man should work according to his ability, and he shall be rewarded for his labor. It is most neglectful to claim the object without securing the means.

Therein we can see the old kind of liberalism. Especially for the social circumstances of our country which are characterized by many feudal remnants, this type of liberalism can not be adaptable. In that respect, we can see the intention of the Social Democrats whose character is being transformed into that of the Labor Party in ENGLAND, and who are longing to become the stabilizing influence in conjunction with the conservative groups rallying round the Liberals.

500.7
A spokesman at General MacArthur's headquarters tonight issued the following statement:

"A major misconception seems to exist with reference to the part being played by Prince Konoye in the revision of Japan's constitution. He has not been selected for that purpose by the Allied authorities.

"Before the fall of the Higashi Kuni Cabinet, Prince Konoye as the Deputy Prime Minister representing the Prime Minister was informed that the Japanese government would be required to revise the constitution. The following day the Higashi Kuni Cabinet fell and insofar as the Allied authorities were concerned the Prince had no further connection with the matter.

"The Supreme Commander informed the new Prime Minister, Shidehara, of his directive to revise the constitution. Prince Konoye's further connection with the matter arises entirely from his relationships with the Imperial household and has no sponsorship from the Allied Headquarters. Preliminary work along this line is being carried out by the Japanese Government and in due course of time this whole subject will be fully presented to the Japanese people for their complete and thorough discussion before a final form of revision is adopted by them". 931.5 1 Nov 45

1500.1
PART TWO PD DRAFT FOR REVISION OF JAPANESE CONSTITUTION WHICH WAS PREPARED BY THE COUNCIL OF THE COMMISSION OF INQUIRY INTO CONSTITUTIONAL QUESTION COMPLETED AND WILL BE PRESENTED TO PLENARY SESSION OF COMMISSION ON TWO FEBRUARY PARA 912 conf 29 Jan 46

500.1

Democratization Of Sovereignty Of Emperor Possible By Revision Of Articles Of State Constitution

Stand Is Clarified By State Minister Matsumoto Re Amendment Draft Worked Out By Commission; Explanations Given

In an extraordinary Cabinet session held on Friday, February 1, at 2.30 p.m., State Minister Matsumoto expressed his views regarding the Constitutional draft worked out by the Constitutional Problems Inquiry Commission and explained it article by article.

Based on this Constitutional draft, and taking the views of various Cabinet Ministers into consideration, the Government wants to frame them into a composite Cabinet opinion, early next week and after its codification seek the understanding of SCAP and the Far Eastern Commission by the end of this month.

It will be then referred to the Constitutional Inquiry Commission which is to be created as a government organization early in March and made public for the criticism of the general masses. When the final decision is reached by the commission, a petition will be submitted to the Throne to refer it to the Privy Council for deliberation, and lastly it will be introduced to the extraordinary session of the Diet following the general election.

In this connection, State Minister Matsumoto told on Friday as follows:

"It would be very embarrassing

if the people would consider that I am in favor of a conservative Constitutional monarchism merely on the ground that Articles I and IV remain unchanged. As the Emperor exercises his rights of sovereignty according to the provisions of the Constitution, the Constitution can be fully democratized without changing the essence of Articles I and IV, provided that other articles are revised along democratic lines. In short, the main object of the Constitutional reform is to enable Japan perfectly to fulfil the terms of the Potsdam Declaration."

MAINICHI FEB 3 1946

'Sacred' Retained In Jap Constitution

Few Changes Planned in Status Of Emperor; Party Leaders Object

By Combined Press Services

TOKYO—No substantial change will be made in the Japanese constitution's first four articles which state that the emperor will be chief of state, supervisor of sovereignty and shall be considered "sacred and inviolable," State Minister Dr. Joji Matsumoto has declared, according to an INS dispatch.

Matsumoto, head of the Constitutional Revision Inquiry Committee, said that this should not be interpreted as denoting that sovereignty rests with the emperor.

Stressing that he will endeavor to carry out a democratic revision along the lines of the Potsdam Declaration, Matsumoto admitted that some alterations in the article have been recommended, but they have been made in phraseology only, INS said.

Meantime, UP said, spokesmen of the Social Democratic and Communist parties assailed the statement made by Matsumoto that the committee plans no substantial changes in Article 1 to 4.

Chozaburo Mizutani, Social Democratic party, doubted if the Potsdam declaration can be carried out and the constitutional revision issue solved if no basic change is made in the emperor's status.

"Even if some restrictions are placed on the emperor's sovereignty position, there is danger that the political powers that be might resort to anti-democratic administration by exploiting the Emperor's position," he said.

Yoshio Shiga, Communist, said, "the cabinet committee's draft provides that the emperor still will keep entire power. Such a system obstructs the establishment of a democratic Japan."

STARS & STRIPES FEB 3 1946

Japan Today-

The People Vs. Emperor

By CPL. BARNARD RUBIN

The head of the Government Council for Revision of the Imperial Constitution is Joji Matsumoto, Minister without Portfolio and an old Zaibatsu man.

According to Matsumoto's recent statement the first four articles of the present Japanese constitution should remain intact. No change is necessary.

The charge has been made that the democratization of Japan is impossible if these articles remain in the constitution—as the essence of democracy is that sovereignty rests with the people—not with one man. These critics claim, therefore, that the first four articles must be eliminated as the first step towards a democratic Japan, and that instead, the Constitution should clearly and without equivocation establish the principle in written form that sovereignty belongs to the people.

So that you can judge the merits of this all-important controversy, for yourself we're reprinting the first four articles of the Constitution:

ARTICLE I The Empire of Japan shall be reigned over and governed by a line of Emperors for ages eternal.

ARTICLE II The Imperial Throne shall be succeeded to by Imperial male descendants, according to the provisions of Imperial House Law.

ARTICLE III The Emperor is sacred and inviolable.

ARTICLE IV The Emperor is the head of the Empire, combining in himself the rights of sovereignty, and exercises them according to the provisions of the present Constitution.

Here are some of the other articles of the present Constitution:

ARTICLE VII The Emperor convokes the Imperial Diet, opens, closes and prorogues it, and dissolves the House of Representatives.

ARTICLE XI The Emperor has the supreme Command of the Army and Navy.

ARTICLE XIII The Emperor declares war, makes peace, and concludes treaties.

STARS & STRIPES FEB 5 1946

To Discuss Constitution

A special lecture meeting for study of the draft constitution will be held under the auspices of the "Jiyu Konwa Kai" (Free Discussion Society) from the 1 p.m. Saturday in the auditorium of the Japan Red Cross Society in Shiba Park, Shibaku. Speaking that day will be Teru Takakura, Eisuro Sekine, Shinichi Matsumoto, Tetsu Nakamura, Takeshi Hara and Yoshio Suzuki. The meeting is open to the public, free of admission.

NIPPON TIMES 2 JUL 1946

ITEM 3 Focus of the Tentative Bill for Revision of the Constitution - Mainichi Shimbun - 1 Feb 46. Translator: K. Murakami.

500.1
Full Translation:

Important principles seen in the tentative bill of the Constitution Investigating Council are as follows:

1. In Article 1 and Article 2, it is clearly outlined as a basic principle that our national regime is a monarchy and that the sovereignty is in the hands of the Emperor. These two articles are decided on along the lines of Minister without Portfolio MATSUMOTO's personal opinion which was expressed in the last Diet. At a meeting of the Council for the Establishment of the Constitution in the MEIJI Era, the question arose as to whether to write "JAPAN" or "Great JAPAN" in the Constitution, when Mr. ITO, Hirobumi preferred "Great JAPAN", thereby suggesting his ambition for the future development of this country. This time, however, the tentative bill used "JAPAN" only.

The phrase "The Emperor is sacred and inviolable" is struck out in Article 3, and a new clause provides that the Emperor is not responsible for what is enacted. When the Diet is not in session, a standing committee in the name of the Council of the Imperial Diet is set up to discuss emergency Imperial Ordinances and other problems on behalf of the Diet.

Due to the disbandment of the army, the word 'military' is struck off from "civil and military officer" in the item of the Emperor's prerogative of appointment. Article 11, prerogative of supreme command, and Article 14, prerogative of proclaiming a state of siege, were also abolished. When entering into a treaty, if it has relation to the law or seems to burden the people with serious duties, it must be approved in the Diet.

2. In Article 19, it is provided for that all the Japanese people are legally equal. Thus, fundamental rights are respected and the feudalistic system of status is done away with. In the same way, "peerage" and "order" have been struck from the clause on the prerogative of honor. Moreover, a new provision is added that abolishes the privileges of shrines under the freedom of religion, thus reducing them to the same level as other religions. In this section, the rights and duties of the people are fully secured. Besides, it is a remarkable fact that the rights and duties of labor are newly included as a natural result of the present social situation.

3. The House of Peers is reorganized into the House of State Councillors. Princes and peers are completely excluded, and it is composed of representatives from various districts and circles. For this organization, the Law of the House of State Councillors will be enacted, doing away with the privileges of the House of Peers. The method of electing the members of the House of Representatives is specified, and the ordinary, equal, direct, and fundamental rules of secrecy are enacted. Prolongation of the session of the Diet, the date and convocation of the Extraordinary Diet have hitherto been decided according to an Imperial Order, but this time they are to be brought to the Diet.

4. Hitherto, a state minister has been responsible to the Emperor alone, but hereafter, he must be trusted by the Diet. This is a step towards a parliamentary cabinet system. It was provided for in the Government organization of the Cabinet that the cabinet was to be composed of state ministers, but this time it is expressly stated in Constitution, thereby establishing the cabinet system and clarifying its responsibility. As for the Privy Council, Mr. NINOBE and Mr. MIYAZAWA, professors at TOKYO Imperial University, advocate its abolition and at the same time, the drafts of the Liberal Party and the Commoners' Constitution draft also excluded the Privy Council. Under such circumstances it is a matter of keen interest how the Government's bill disposes of this problem.

5. The Court of Administrative Litigation is abolished, and the Judicial Court takes charge of this place.

6. The right of the House of Representatives to discuss the budget is especially respected. The House of State Councillors says only "yes" or "no" to the decision of the former. When the budget estimates could not be compiled, it was hitherto provided for that the Government follows that of the preceding fiscal year. In this bill, however, a three-month provisional budget will be made in such cases.

7. The Diet has a right to propose the revision of the Constitution if approved by one-third of the personnel.

**Tenno's Abdication
Was Not Discussed**

**Matsumoto Says Problem Not
Taken Up by Constitution
Revision Body**

"There is nothing further from my mind than the idea of inserting a clause concerning the abdication of the Emperor in the plan for revision of the Imperial Constitution now being drafted by the Constitutional Problem Investigation Committee," Dr. Joji Matsumoto, who heads the committee, declared at a press interview on Saturday.

During the protracted studies on the draft for revision of the Constitution for the past four months, the Minister without Portfolio pointed out, the Committee never touched the problem nor heard of any opinion concerning the abdication of the Emperor.

He said that the mission allotted to the same committee has been brought to an end for the time being with its plenary session held on Saturday. Dr. Matsumoto, however, admitted that there always is a possibility of the meeting being resumed in case there are influential opinions worthy of hearing.

Declaring that he regarded the draft plan of the revised Imperial Constitution on which deliberations were completed on Saturday as the best so far, Dr. Matsumoto said he expected to have the draft plan thrashed out at a Cabinet meeting to be held next Monday or Tuesday.

The regulations attached to the existing Imperial Constitution might be subjected to some revision, by a joint study to be held by the Upper House Secretariat, the Cabinet Bureau of Legislation, and other investigation committees concerned.

He concluded by saying that the Government's final draft on the revision of the Imperial Constitution when approved by the Cabinet will be made public at the same time it will be referred to another new committee which will make further studies for presentation to the coming special Diet to convene after the elections.

Support Tenno System

The results of the public opinion survey made by distributing 4,000 questionnaires on the Constitution revision, the Emperor system, the Diet system and the Privy Council, by the Public Opinion Investigation Institution, showed that the people of Japan is in full support of the maintenance of the Emperor system, with 2,184 or 90 per cent out of 2,400 replies received up to January 31.

On the question of the revision of the Constitution, 473 or 20 per cent supported the revision as proposed by the Emperor; 581 or 24 per cent supported the draft made by the Constitution Revision Committee of the Diet; while 1,289 or 53 per cent supported a system of discussing the revision by a committee publicly elected by the people.

On the Emperor system, 2,184 or 90.1 per cent supported its maintenance. On those replies, 381 or 15 per cent support the Imperial

system as it is today; while 1,806 or 45.5 per cent support a system of the Emperor existing outside the political field and being the moral center of the Japanese race as its head. Replies that opposed the Emperor system totaled 205 or 9.9 per cent. Of those opposing the Emperor system, 137 or 5.6 per cent supported a Presidential system, while 64 or 2.6 per cent proposed a Soviet system.

On the Diet system, 61 replies or 2.5 per cent support the present system; 410 or 18 per cent insist on the abolition of the House of Peers and the establishment of a single House of people's representatives; 519 or 22 per cent proposed the organization of the House of Peers with vocational representatives, and 1,082 or 45 per cent support a plan of organizing a second House composed of publicly elected prefectural governors and vocational representatives.

On the question of the Privy Council, 1,377 or 58 per cent demand the immediate abolition of the Privy Council; 587 or 23 per cent propose a plan of reorganizing the present Privy Council with a small number of able persons; and 398 or 17 per cent insist that the members of the Privy Council should be publicly elected.

NIPPON TIMES FEB 5 1946

**Matsumoto's Plan
Needs SCAP's Okay**

**Cabinet Will Adopt Revised
Constitution If Allied HQ
Indicates Approval**

If an informal approval is obtained from the Allied Headquarters, the Government will adopt as its final plan the tentative draft of the revised Imperial Constitution drawn up by the Government Investigation Committee on Constitutional Problems; it was intimated on Tuesday by State Minister without Portfolio, Dr. Joji Matsumoto, in the course of a press interview.

Summing up Matsumoto's statement, it is learned that practically no change will be made in articles one to seven regarding the Emperor's status. It is presumed however that "privy councillors" were deleted from Article Four.

It is also intimated that some alteration to Article Four was made in phraseology, and that in Article Three the term "sacred" in the expression, the "Emperor is sacred and inviolable" will be replaced by another word.

It is further intimated that "Kizoku-in" or "The House of Peers" in Chapter Three will be changed to "Sangi-in" or "the Chamber of Councillors."

"The Chamber of Councillors" in the tentative draft of the revised Constitution, it is added, was handled so that no trouble will be caused even if the "Chamber of Councillors" bill is rejected in the next Diet session.

With regard to the procedures considered necessary hereafter concerning the revision of the Constitution, State Minister Matsumoto disclosed that it will be necessary for the Government to sound out the intent of the Allied Headquarters on the tentative plan, together with the informal approval of the Throne.

**Constitutional Reform
Might Be Postponed**

**Opinion to Delay Action Said
To Be Gaining Ground
In House of Peers**

Opinion is gaining ground among members of the House of Peers in favor of deferring deliberations on the projected revision of the Imperial Constitution until after the forthcoming post-election special session of the Diet, according to the Asahi Shimbun.

These House of Peers members who are in favor of postponing final Diet action on Constitutional revision, the journal said, point out that the House of Representatives is to be completely rejuvenated in its composition after the general elections but that the Upper House will remain substantially unchanged in its basic composition.

Such an unbalanced state between the two houses of the post-election Diet, these Upper House members are said to argue, is by no means favorable to making a final decision on such an important question as the Constitutional revision and is not in the interest of accomplishing a democratic Constitution.

In the opinion of these House of Peers members, therefore, the Asahi further said, the post-election Diet session should limit itself to acting on a projected reform of the Upper House, and upon completion of such a reform, commensurate to a rejuvenated House of Representatives, the projected revision of the Constitution should be deliberated and acted on by an entirely reorganized Diet at its next session after the reorganization.

There are indications that these members of the Upper House will shortly take some action formally to make known their intentions on this matter, the paper also said.

According to the Asahi, meanwhile, it now appears certain that a total of some 100 present members of the House of Peers will be affected and become ineligible for the Upper House seats as the result of the clarification of the scope of actual application of the SCAP political purge order to members of the Diet.

The journal further reported that the House of Peers is expected to move shortly to fill up those vacancies left by the affected members by holding by-elections to pick replacements after closely examining their qualifications.

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FEB 22 1946

If approved by the Allied Headquarters, Matsumoto said, the Cabinet will adopt the draft as its final plan and will seek the promulgation of an Imperial Rescript ordering the establishment of a council for deliberation of the Government plan.

Matsumoto said that he hopes that the council will be established within this month and that the contents of the tentative draft will be made public.

NIPPON TIMES FEB 7 1946

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Constitution Organ Ready for Revision

500.1
Completes Preparations, Says
Matsumoto; Whole Setup
To Be Democratized

The Government Committee for the revision of the Imperial Constitution has now completed preparations necessary for drafting a revised Imperial Constitution, it was revealed Wednesday by State Minister Joji Matsumoto who heads the committee, in a press interview.

Matsumoto's interview follows in gist:

"The object of the revision is to change the feudalistic character of the Imperial Constitution into a democratic one. In this sense, no doubts can be permitted with regard to the substance of the Constitution.

"There are a variety of opinions on the Constitution from many angles and standpoints. However, there are theories and arguments as the 'Emperor's Sovereignty' theory or the 'people's sovereignty' theory which were prevalent in the past. The present revision does not aim to revise the Constitution to be fixed by this theory or that. However, I think it rather desirable to provide room for interpretations and discussions of the Constitution.

Democratize Constitution

"In one word, the object of the revision is to democratize the Imperial Constitution now in force. In the Imperial Constitution, matters concerning supreme command were included together with matters concerning state affairs. However, in the revised Constitution, it will be vitally necessary to eliminate any doubts as regards these issues. In other words, it will be made clear in the revised Constitution that state ministers are responsible to the Throne and to the people as well as with regard to state affairs.

"However, together with the revision of the Imperial Constitution, a way of thinking of the people should be changed into a democratic way. In prewar days Germany had

Revision to Delete Imperial Divinity From Constitution

Result of Historic New Year
Rescript—'Sacred' Changed
to 'Supreme' in Article 3

Provisions concerning the status of the Emperor—Articles 1 to 4—of the Imperial Constitution will remain substantially unchanged, except for a slight revision in the phraseology of Article 3, in the Cabinet's draft revised Constitution, according to Jiji Press which credits reliable sources close to the Cabinet with the information.

In the revised Constitution, now in the final stage of drafting, Article 3 reading "The Emperor is sacred and inviolable" will be revised to read "The Emperor is supreme (shison) and inviolable," according to these sources.

The change from "sacred" to "supreme" represents a most significant development in the work of the Constitutional revision, as far as the Shidehara cabinet is concerned.

The Government's original policy in connection with the Constitutional revision, according to these sources, was that the first four articles of the Constitution governing the constitutional status of the Emperor should remain as they are.

Result of Rescript

The change in the Cabinet's original stand in this respect came about early this month, the same sources disclosed, as the result of the historic New Year Imperial Rescript disowning the divinity of the Emperor.

Up to this time, they said, Dr. Joji Matsumoto, State Minister without portfolio, in charge of Constitutional revision, and his staff had been "racking their brains" as to what should be done about the Emperor's status in the Constitution, devoting much of their time to this question.

Following the Emperor's self-

PRESS COMMENTS

Saturday, January 26
GOVERNMENT AND CON-
STITUTIONAL REVISION

ASAHI—The Government has announced its intention to publish the draft of a revised Constitution before the general election and submit it to the new Diet for approval. The present Cabinet is an interim government and its stand on the general election is not very clear. If the announcement is intended as a fresh emphasis on the need of an early revision, well and good; but if it means that the new Diet must meet under the Shidehara Cabinet or that the revision of the Constitution must take place through the hands of this Cabinet, such a claim on the part of the present Ministers cannot be sustained.

It is a matter of common consent that the Shidehara Cabinet is not fit to undertake the democratic reconstruction of Japan. There is still no solidarity of popular parties opposed to the present Government, but it is undeniable that the movement for the formation of a democratic front is making headway. The government of the day, whatever might be its character, is certainly entitled to study the question of constitutional reform, but the advice to the Emperor on taking the initiative for revision in conformity with the Constitution must be tendered by a Cabinet which represents the general will. There can be no such Cabinet until after the general election, and there is even doubt if one general election may bring about the desired result. If the Government, in spite of this obvious truth, insists on revising the Constitution through its own hands, the suspicion will be increased that the old influence behind the present Cabinet is anxious to have the question of revision quickly disposed of, seeing the disadvantage of delay from their own point of view.

Whatever might be the attitude of the Government, constitutional revision is a matter of vital import-

concerning supreme command were included together with matters concerning state affairs. However, in the revised Constitution, it will be vitally necessary to eliminate any doubts as regards these issues. In other words, it will be made clear in the revised Constitution that state ministers are responsible to the Throne and to the people as well as with regard to state affairs.

"However, together with the revision of the Imperial Constitution, a way of thinking of the people should be changed into a democratic way. In prewar days, Germany had the Weimar Constitution. Yet, in Germany, Hitler's dictatorship was allowed to be dominant.

"As regards the time when the Government should petition the Throne for the Imperial command to begin the revision, I do not think the present time is appropriate and proper, since the Diet has been dissolved and due to the present political situation.

"In the Constitution, it is stipulated that in case of need, the constitutional revision will be introduced to the Imperial Diet session by virtue of an Imperial ordinance. And I interpret the Imperial ordinance as the command to revise the Constitution.

"For the revision of the Constitution, it will be necessary to convene a special Diet session but it is also possible to introduce it to the next Diet session with the due approval on the part of the Privy Council.

"The Committee on the revision of the Constitution will continue its activities, regardless of the political situation, since the constitutional revision is an important state affair."

NIPPON TIMES JAN 12 1946

ginal stand in this respect came about early this month, the same sources disclosed, as the result of the historic New Year Imperial Rescript disowning the divinity of the Emperor.

Up to this time, they said, Dr. Joji Matsumoto, State Minister without portfolio, in charge of Constitutional revision, and his staff had been "racking their brains" as to what should be done about the Emperor's status in the Constitution, devoting much of their time to this question.

Following the Emperor's self-disavowal of divinity and its approval by the Supreme Allied Commander, however, these sources further said, Dr. Matsumoto and members of the Cabinet Constitutional Revision Inquiry Commission decided to attempt a revision of the "sacred" third article.

Represents Radical Change

Consequently, after a series of meetings, they came to a conclusion that the term "sacred" in Article 3 should be changed to "supreme" in its revised version, the same sources disclosed. Inasmuch as the primary objective of the Constitutional revision lies in liberalization of the Imperial Constitution, the deletion of the term "sacred" would seem but natural, but the change represented a "radical" change for the conservative Shidehara Cabinet, it was added.

In addition, these sources said, the draft revised Constitution not only eliminates the Emperor's prerogatives concerning the military but also substantially divests the Emperor of political prerogatives.

In the revised Constitution, they further said, the status of all members of the Imperial Family would be rendered entirely non-political.

If the draft Constitution is approved by the Diet and a House of Peers reform bill is introduced and enacted, no member of the Imperial Household would be permitted to retain his seat in the Diet, it was pointed out.

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JAN 26 1946

the general will. There can be no such Cabinet until after the general election, and there is even doubt, if one general election may bring about the desired result. If the Government, in spite of this obvious truth, insists on revising the Constitution through its own hands, the suspicion will be increased that the old influence behind the present Cabinet is anxious to have the question of revision quickly disposed of, seeing the disadvantage of delay from their own point of view.

Whatever might be the attitude of the Government, constitutional revision is a matter of vital importance for the democratic reconstruction of Japan. In spite of the difference as to the extent of revision, there can be no difference on the need of reform. The Liberal Party published its draft a few days ago, and other non-governmental drafts are now being published. On this important matter the political parties must define their attitude in concrete terms, before the general election. The role of the electors is to exercise judgment, discriminating wheat from tares. It is above all important for them to direct their attention to the purports of different programs.

NIPPON TIMES JAN 27 1946

Council Gives Approval To Draft for Revision Of Japan's Constitution

The Council of the Commission of Inquiry into the Constitutional Question, headed by Dr. Joji Matsumoto, Minister without Portfolio, meeting at the Prime Minister's official residence at 10 a.m. on Saturday, approved the draft for revision of the Constitution which it had prepared after seven sessions following the plenary session of the commission last December 26. A plenary session of the commission is scheduled to meet February 2 to discuss the report of the council and it is expected that the body will give its approval then to the draft for revision of the Constitution.

NIPPON TIMES JAN 28 1946

ITEM 1 New Constitutional Plan-Tokyo Shinbun-6 January 1946. Translator:
Nishinara, H.

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Extracts:

500.1
 The Diet system should be reformed drastically in the future, but for the present the system should be maintained after strengthening its authority, abolishing the House of Peers, and establishing the Second House. The following items are proposed:

- (1) The Diet should hold legislative power, decide laws, approve budgets, decide regulations for administration, and supervise their execution. Any treaty should be approved by the Diet if it concerns legislation.
- (2) The Diet session will be without adjournment; if adjourned the executive committee will act in its place.
- (3) The Diet should be authorized to prosecute ministers and Government officials for grave mistakes. For the trial in this connection an administrative affairs court should be established.
- (4) The Diet will be dissolved instantly when a national vote approves its dissolution.
- (5) In order to cancel a decision of the Diet by a national vote, more than half of the eligible voters must participate in the voting. The First House will consist of elected representatives. The Second House will consist of members elected by groups based on people's occupations. The First House is given priority on all points.

The Cabinet is the highest organ. The prime minister will be appointed by the chairmen of both the First and Second Houses, and cabinet members will be appointed by the prime minister. There were several other opinions that the prime minister should be appointed by an election of the members of the two Houses, by decision of the representatives of political parties, or by recommendation of the chairmen of the First House only.

The cabinet is responsible to the Diet, and it must be clearly written in the Constitution that every cabinet member must be trusted by the Diet. The Cabinet has the power of appointing officials and the power of amnesty.

The people have the right of sovereignty, and jurisdiction should be for the benefit of the people under the laws governing organizations of courts of justice. Aiming at independence of jurisdiction, it is necessary to abolish the system which allows government organs, such as the Law Ministry, to appoint or dismiss the judges. The Supreme Court should be the highest

rial Household must be reconsidered; and wasteful spending of reserved funds should be avoided. Special accounts which easily become wasted should be limited to Government enterprise accounts. Final reports of accounts must be made clearly and effectively.

The First House must be given priority over the Second House concerning the state budget; expenditures will be discussed by the First House first; sums and items approved by the First House should not be denied by the Second House.

931.6-674 Jan 46

It should also be written clearly in the Constitution that the public should not suffer from heavy taxes; this should read, "Taxes should be fair, and the public must not suffer from heavy taxes."

ITEM 2 Constitutional Revision to be based on Reality; Matsumoto's Tentative Plan Set Up - MAINICHI SHIMBUN - 10 Jan 46. Translator: A. Kido.

500.1

Summary:

The Board of Investigation for Constitutional Revision, with Minister of State, MATSUMOTO as chairman, held general meetings seven times to study the Constitution, article by article. Meanwhile Mr. MATSUMOTO, Minister of State, with reference to the tentative plan of each Committeeman, has drawn up his tentative reform bill on the Constitution. It has not yet been approved by the Committee and is therefore subject to alteration.

The first Investigation Committee meeting this year was held on the 9 January with the purpose of continuing investigation of the Constitutional Reform Bill. In a press interview, Minister MATSUMOTO said, "In view of eventual introduction of a Constitutional Reform Bill, I have drawn up my own draft, based partly on other civilian constitutionalists' drafts.

"Constitutional revision should be undertaken from the standpoint of actual necessity, not from certain ideas, assertions, or theories. It is of course permissible for any constitutionalist to comment from any standpoint or theory on constitution laws already drawn up. In drawing up a revision bill on the constitution, weight must be put on revising it article by article so that the Constitution is actually based on Democracy. Consequently in Articles 1 to 4, relating to the subject of sovereignty, I do not mean to make any substantial alteration. The supreme power should not be independent but incumbent on all the Cabinet ministers. I am further of the opinion that Ministers of State are to bear responsibilities to the Nation through the Diet. The Japanese people are apt to split hairs, but this is not to be admitted.

The Weimar Constitution, apparently a very democratic republican constitution, inverting the people with the supreme power and other rights such as labor, existence, etc, was not even able to realize democratic ideas because of the appearance of HITLER and others. The revision of the constitution will, as a matter of fact, necessitate revising also other related laws, thereby requiring many persons for a considerable length of time. Even if I should resign, the committee on the Constitution question will be continued. In case of my resignation, the handing over of my duties is of great importance and, therefore, is being taken into consideration.

931.6-718 139 Jan 46

ITEM 3 The Revision of the Constitution (3) - Tokyo Shimbun - 11 Jan 46.
Translator: J. Weiller.

500.1
 Full Translation:

Our duty in revising the Constitution lies in making it the Nation's basic law by wiping out the nationalistic religion and the militaristic atmosphere, which surrounds the Constitution, and by drawing a sharp line between politics and religion. By such a revision our Constitution, after stripping off its medieval attire, will become a modern and rational instrument. Its popularization will have far more important significance than if mere additions or deletions of individual articles are carried out.

Next in this rational basic law of the Constitution, people's rights, according to the real meaning of democracy, must be firmly set forth, and for that purpose it must be stated that the power of the Nation arises from the co-operative mass of the people. The authority and function of every national organ, such as the Diet, the Government, and the judiciary, should be derived from this viewpoint. As to the details, I should be glad if you refer, as an example, to the draft by the Society for the Study of the Constitution. (KEMPO KEKYUKA), of which I am a member.

The revision of the Constitution, as stated above, cannot be put into effect unrelated to the Emperor system. I cannot, however, side with an abstract and idealistic attitude, such as exalting the Emperor system. Unless the Emperor problem is settled, the question of democracy cannot advance a step forward. Just as it is a mistake to form a fixed conception of politics and to try forcibly to fit democracy into it, so it is historically wrong to base the realization of democracy on the overthrow of the Emperor system. By dragging down the system from divinity to an object of rational and realistic politics, a certain point of coincidence will be formed between the still deep-rooted irrational national sentiment and the rational demand of realistic politics. The readers will find a tentative plan in the draft I referred to before. At any rate, unless such a rational settlement is reached, we may tread the path of internal strife and interventions by the Occupation Forces.

The firm establishment of democracy stated as above is in itself a great cultural advance in the history of mankind in that it ensures the dignity of character and liberty for the people. At the same time we attach importance thereto, because it is an efficient method which enables a spontaneous and lawful turn toward a new social organization. As is universally known, the present age belongs to the second stage of the development of constitutions, and the foremost in the group is the SOVIET UNION's socialistic Constitution, based on "the declaration of the rights of the working and exploited peoples". Against the French Constitution which sanctifies and protects property and leaves labor to capital's exploitation, the Soviet Constitution guarantees the rights of labor and lives of the working people. This epoch-making Russian Constitution has produced a distinctive influence on the new constitutions of a chain of bourgeois neighboring countries.

socialistic society, the seed of which will now be planted. Only when this historical social evolution is peacefully and lawfully executed by the self-determination of the masses, will the democratization of the Constitution be achieved. 9316-733 12 Jan 46

ITEM 1 Lawyers' Association Drafts Bill for Revision of the Constitution;
Asahi-Shimbun - 22 Jan 46. Translator: S. S. NO.

Full Translation;

500.1
 Proposals of the Investigation Committee for the Revision of the Constitution were accepted at the regular general meeting of the JAPANESE Lawyers' Association which was held at the First Lawyers' Hall of TOKYO, on 21 January. It was decided to refer them to Premier SHIDEHARA, Minister without Portfolio MATSUMOTO, and others concerned with the revision of the constitution.

Draft for the Revision of the Constitution.

This draft advocates continuance of the Emperor system and the establishment of democratic politics in accordance with the POTSDAM Declaration for direct contact between the Emperor and the people and recognition of the following revisions in order to eradicate every vestige of militarism and bureaucracy. It is proposed that:

1. The adoption of a system of universal suffrage be adopted. A popular referendum on the prerogatives of the Emperor is to be made, when considered necessary in order to decide important national policies. At the same time the Diet can request this by passing a special resolution within the provisions of Item 2 of Article 73.
2. An extension of the laws relating to the legislative powers of the Diet is to be made upon approval of the Imperial Diet, and Articles 5, 6, and 37 are to be revised in order to change the Emperor's power of approval into a power of veto.
3. (A) Restriction on the sovereignty of the Emperor: Provisions are to be added to Article 7 so that an Extraordinary Session of the Diet can be called to deliberate on matters relating to the sovereignty of the Diet. (B) Emergency Imperial ordinances affecting its sovereignty are to be abolished. At the same time, the words "in order to promote the welfare of the people", in the promotion ordinance, are to be eliminated; (C) Concerning sovereign rights in Foreign Affairs, Article 13 is to be revised, making necessary the approval of the Imperial Diet; (D) Article 11, regarding the prerogatives of the Supreme Command, and Article 12, regarding the prerogatives of the Military Administration, are to be abolished.
4. The Establishment of the Rights of the People: The implementation of Articles 19-29 and Article 31, and the principle of the equality of the Japanese People in social, political and economic life, is to be specified in the provisions. At the same time, laws are to be passed if it is necessary to restrict the liberty of the people, while provisions for securing the rights of the people are to be made in the constitution.
5. The reorganization of the House of Peers: The name of the House of Peers is to be changed. Its members are to be recruited from representatives instituted against the administrative offices when the people's rights are affected by illegal measures, and at the same time, the suits are to be placed under the control of the Courts. Article 61 is to be revised in order to abolish the Administrative Courts. Provisions must be passed stipulating that the Nation must make compensation for damages resulting from illegal measures of officials.
- No 10. The abdication of the Emperor: The Imperial House Laws are to be revised to make provisions for the abdication of the Emperor.
- No 11. The abolition of the Peerage: The Peerage system is to be abolished.

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of each profession and from persons of merit throughout the Nation. Article 33 and 34 are to be revised in order to provide a method of selecting members by law.

No 6. The establishment of a permanent Committee: A permanent committee is to be established in the Diet to exercise the powers of the Diet while it is in recess.

No 7. The settlement of the Cabinet system: Administrative powers are to be held by the Cabinet. Provisions are also to be made by which the Cabinet is responsible to the Diet. The premier and other Ministers are to be regarded as Ministers of the State.

No 8. The abolition of the Privy Council: Article 56 is to be eliminated in order to abolish the Privy Council.

No 9. The expansion of the powers of the courts: Lawsuits can be widely instituted against the administrative offices when the people's rights are affected by illegal measures, and at the same time, the suits are to be placed under the control of the Courts. Article 61 is to be revised in order to abolish the Administrative Courts. Provisions must be passed stipulating that the Nation must make compensation for damages resulting from illegal measures of officials.

No 10. The abidication of the Emperor: The Imperial House Laws are to be revised to make provisions for the abidication of the Emperor.

No 11. The abolition of the Peerage: The Peerage system is to be abolished.

931.6-914 24 Jan 46

ITEM 6 Constitutional Reform Bill to be Submitted - Asahi Shimbun -
17 January 1946. Translator: A. Kido.

500.1
Full Translation:

Since Minister of State MATSUMOTO has remained in office, the revising of the Constitution will be, as before, carried out under his chairmanship. Originally it was intended to submit a House of Peers reform bill to the special Diet Session and then after renewal of both Houses, to convene again an extraordinary Cabinet meeting in order to deliberate on the revision of the Constitution. By dint of the MacARTHUR Directive, demanding that a general election be undertaken after 15 March, the special Diet meeting will be further postponed.

Holding the view that under recent swiftly changing political conditions it would be difficult to carry the problem forward by an extraordinary Diet meeting, the Government has therefore gradually become inclined to introduce the Constitution reform bill to the special Diet Session following the general election. On this subject Chairman MATSUMOTO yesterday revealed the Government view on revising the Constitution as follows:

"For various reasons the general election, anticipated to take place during January, has been postponed until about the middle of April. The Government, at first, was of the belief that the presentation of a Constitution reform bill to the Special Cabinet meeting would be rather difficult, but in view of the delayed Diet meeting, the Government considers it necessary to present the bill to the special Diet meeting. The Government wants more time for careful deliberation but believes there would not be time for convening an extraordinary Diet meeting again.

We want to alter our previous plan of revising the Constitution after renewal of the House of Peers. We now believe it should be done before renovating the House of Peers. Despite technical difficulties the Government wants to settle both the questions concurrently."

In case a Constitution reform bill should be presented at the special Diet meeting, the Government plans to effect the Constitution reform after renovating the House of Peers. A renovation of the House of Peers would also be quite possible concurrently with the reform of the constitution. The reform bill decided on recently at the Cabinet meeting or the House of Peers Law will naturally be remodelled in accordance with the new plan.

931.6-835 19 Jan 46

ITEM 6 Chairman MATSUMOTO Speaks On The Reorganization Of The Constitution - MAINICHI SHIMBUN - 10 Jan 46. Translator: K. Murakami.

500.1

Summary:

The Constitution Investigating Council of the Government has already drawn up the actual bill. Mr. MATSUMOTO, chairman of the Council, informed the Cabinet correspondents, on 9 January, of the progress and future measures of the investigation.

He stated, "I think that it is a mistake to clarify a separate principle of the Constitution, though it is an individual matter as to how to interpret the Constitution. We must, however, make a Constitution which cannot be misunderstood when inferring to government affairs.

The revision being very democratic, coincides, in this point, with the civilian bill for revision of the Constitution which was published by Mr. TAKANO, Imasaburo and others a few days back. I suppose that the outline of the two are identical. I still believe that there must be no change in the main principle that the sovereignty is in the hands of the Emperor. I think that the State Ministers are responsible not only for all state affairs but also for the Diet, and that actual government affairs must be managed through the Diet. But, however much the Constitution is democratized, if it is misunderstood, politics cannot be democratized after all. The fact, that Hitler appeared in spite of the Weimar Constitution, is good evidence of this. Therefore, it is necessary in the first place that the people themselves should be democratized.

"The Council will continue even when the Cabinet changes. At some future time, the Council might need the help of civilians. Even though the Cabinet changes, the investigation must be carried on by the next Cabinet as a matter of state business. Even at present, I am ready to do so. The Emperor has taken the initiative in revising the Constitution, and I have not yet thought of asking the Imperial approval on the matter. Recently, we have had discussions as to whether sovereignty is in the hands of the Emperor or the nation. All is well in so far as it is merely a discussion. I think, however, that it is not always desirable to insert such private opinions into the Constitution."

13 Jan 46
931.6-718

ITEM 7 Constitution Revision Investigation Committee - Mainichi Shimbun - 27 Jan 46. Translator: T. Kitayama.

500.1

Full Translation:

The investigation committee for the revision of the Constitution met at the official residence of the Premier on 26 January. At the meeting were present Chief of the Committee MATSUMOTO and other commissioners, and they investigated the revision draft, which was the result of the investigations made at the seventh minority conference after the general conference on 26 December 1945. They achieved satisfactory results for the revision. They are to hold a general meeting on 2 February, at which they will make further investigations of the draft.

931.6-991 28 Jan 46

ITEM 3 Wonders for the Government Draft for a New Constitution - Mainichi Shinbun - 1 Feb 46. Translator: K. Nagatani.

50004
Full Translation:

Generally speaking, the Government draft for a new Constitution is fairly progressive. However, in that draft, the government intends to keep intact the Emperor's sovereignty as in the existing Constitution. That is, the government draft stipulates that the Emperor shall be the head of the Empire, that JAPAN is a monarchy and that the Empire of JAPAN shall be reigned over by the Emperor. We do not oppose the position of the Emperor as the head of this country. In this case, however, our idea of the Emperor is that he be a formal and ceremonial representative of the entire nation. We mean an organ which determines the supreme and ultimate will of the nation, standing above the people and acting as the source of the three major functions of government: legislative, administrative and judicial. In foreign relations the Emperor is to be a nominal figure in making treaties. On the contrary, if the Emperor is allowed actually to express his free will in government, it may be possible in the future that the Emperor will have to be responsible for the consequence. It is surmisable that the proposed government Constitutional draft does not intend to allow the Emperor free will of this kind. The government may regard rule by the Emperor as a mere formal procedure in deciding upon the will of the nation as is the case with the King of ENGLAND. This assumption may be true since the present Emperor HIROHITO would like to be comparable to the British monarch. If so, the government should clarify the position of the Emperor in the new revised Constitution. Otherwise, it is possible that the Emperor will be utilized again by those who attempt dictatorship.

This is the point which has been deeply studied by various authorities in working out their Constitutional reform plans. The government seems to think that democracy in our country will attain maturity to such an extent as will prevent the danger of dictatorship. It must be borne in mind, however, that democracy in JAPAN has just begun the first step and that we are not yet sure of its sound development. When our democracy has made progress, we can take a perspective of the situation. In ENGLAND, even without any written Constitution, it is established by the common sense of the people that the British sovereign reigns but does not rule. Accordingly if the British government structure is to be introduced in our written Constitution, it is necessary that the Constitution stipulate the principle that the Emperor shall not practically govern this country. If the British monarchy is not copied, and the government allows the Emperor free will in administration, it will be contrary to democracy.

Aside from the section pertaining to the political position of the Emperor, the draft shows much progress and adaptation to the present situation. The proposed reorganization of the present Upper House as a council composed of representatives of local conferences and of professional representatives means the virtual destruction of the existing House of Peers. However, we expect that the council will function as the second house. It is commendable that the draft stipulates that the Cabinet is responsible to the Diet and must stand or fall on the confidence of the Diet. However, we cannot understand why the Diet session is limited to less than three months. If the government thinks that it cannot do much with a Diet in session all the year round, the government is taking the matter too lightly. A Diet continually in session is an essential condition for democracy and does not hamper the progress of administration.

This draft should be scrutinized also in the matter of relations between the Cabinet and the Diet. For example, the Cabinet's right to dissolve the Diet as stipulated in the draft is likely to be abused. The right of the Cabinet to dissolve the Diet should be more limited or else, the dissolution of the Diet should be made by national vote. Concerning the appointment of premiers, the draft adopts the same method as in the existing Constitution. It is better, however, to appoint new premiers through recommendation by the presidents of both Houses or by the election of the Diet. If the government does not concern itself with the appointment of premiers, political changes will be frequent.

Anyway, we cannot consider the draft as the final plan. The question of Constitutional reform cannot be dealt with too carefully. In the revision of the constitution, we should not consider the time of revision less important than the content. It must not be forgotten that the revision of the Constitution must be carried out with a long perspective of social tendencies.

ITEM 1 The Other Side of the Constitution Revision - Yomiuri-Hochi - 1 Feb 46.
Translator: Y. Ebiike.

500.1
 Full Translation:

The SHIDEHARA Cabinet, which during the four months following its formation has wasted its precious time in idle chatter, apparently playing the part of a cultured coquette like a "leisured society woman," has recently exhibited a sudden display of action! The motive is not from a will to save the people from impending destruction of their livelihood, but from quite a reversed intention. The Cabinet sent a host of policemen, and seized a store of concealed commodities which the masses had discovered and were waiting for distribution.

Concerning compulsory rice supply, they ignored the Diet, resorted to an urgent Imperial Ordinance, a trump card of despotic administration, and forced the outrageous enforcement of rice delivery by exercising their authority. Education Minister ABE devotes himself to what may be called a novel control of popular expression in regard to the Emperor System and democracy, while Minister without portfolio MATSUMOTO and his circle are speeding up the revision of the Constitution with extraordinary eagerness.

It is quite strange that the SHIDEHARA Cabinet, which has but a short time left in its term, should be in such a hurry to complete the Constitutional revision. The Cabinet, declaring itself an interim one to carry out the general election, has pulled through the crisis caused by the purge directive, and succeeded in executing bad re-organization. Notwithstanding our presupposition that the Cabinet would resign en bloc immediately after the general election on 31 March it announced its intention to convene an extraordinary Diet Session on 20 April and to enforce the revision of the Constitution. What obstinate impudence!

However, as far as the Constitution draft, drawn up by Minister without portfolio MATSUMOTO is concerned, mutual agreement was not reached among the ministers at the Cabinet meeting on 30 January, and they are going to hold an extraordinary Cabinet meeting on 31 January to debate the subject again. In such an eager manner the ministers try their best to solve the problem of the Constitution, yet they have never held any extraordinary cabinet meeting on such vital questions of public interest as the food crisis, unemployment or inflation.

Next, the Cabinet intends to establish a Constitution Revision Investigation Commission, and put the finishing touch on the draft plan for publication about 1 March. Nobody expected that the procrastinating SHIDEHARA Cabinet would show such splendid progress and ardor like this. The fact is that the SHIDEHARA Cabinet is striving to be reborn as a Cabinet charged with the work of Constitution Revision. It is abandoning its previous mission of acting as an interim cabinet only to hold the general election.

Why does the Cabinet try to prolong its tenure of office? If we just cast one glance at the governmental draft plan for Constitutional Revision we shall soon understand. It is said that at the Cabinet meeting on 30 ~~heartedly and check the progress of the democratic revolution of the~~ people on the strength of this essentially unchanged Constitution.

To examine the past career of Premier SHIDEHARA, he belonged among the despotic bureaucrats, and was an Imperialist connected with the MITSUBISHI and ZAIBATSU. He never opposed JAPAN's continental expansion policy, but as a diplomat he knew the actual power of the Allied Nations and was well informed of the world situation, so that he assumed a negative attitude, blindly disregarding the Manchurian Incident, the CHINA Incident and the Pacific War conspired by the military clique. Foreign Minister YOSHIDA has the same record and their circle is called "moderate" in Imperialistic circles. Premier SHIDEHARA perhaps belongs to the left wing of that party, but he is neither a democrat nor a true pacifist. However, his general appearance, befitting one of the moderate party, is most suited to deceive the people, disguising him to be a respectable democrat. The true intention of his Cabinet is to preserve semi-feudalistic power, while the Constitution revision aims at checking the progress of the democratic revolution. The recent active move of the SHIDEHARA Cabinet only proves that the destructive old powers "exist firmly rooted."

The people must at once form a democratic front, overthrow the SHIDEHARA Cabinet, and make the first concrete and truly democratic step in the peoples interest concerning the Constitution revision. JAPAN's democratic revolution has advanced this far. 9316-1095 3 Feb 46

ITEM 2 The Government is impatient to revise the draft of the Constitution
Mainichi Shimbun - 29 Jan 1946. Translator: H. Naoji.

500.1
 Full Translation:

Many prudent suggestions were made by the Investigation Committee of the Government, and the fundamental principles of the draft for the revision of the Constitution are to be settled at the Investigation Committee meeting which is to be held on 2 February when the final draft plan will be drawn up. It was decided that Minister of State MATSUMOTO will submit this tentative draft to the Constitution Revision Advisory Committee, which is to be created at the beginning of March, for discussion after he has examined this draft of the revision of the Investigation Committee. By choosing Mr. FURUI, Yoshimi as his assistant in his work he aims to arrive at a final plan as quickly as possible.

As for the Constitution Revision Advisory Committee, its organization will be promulgated at the beginning of March and will be composed of fifteen or sixteen members including Ministers of State, Privy Councillors, and members of both Houses, who will be regarded as officials specially appointed by His Majesty the Emperor and the list of these members who are now being chosen by Minister of State MATSUMOTO will be made public simultaneously with the publishing of the government organization and revision of the Constitution.

The revision plan on the part of the Government is not as drastic as those of the Liberal Party or other four private Constitutional Revision Associations. However, these will be the most significant points in that revision; that the title of the House of Peers will be changed to the State Councillor Board, and that members drawn from Princes of the Blood and of the princes will be completely excluded. As a result of this, the reform plan of the House of Peers Law which was already approved by the Government, is to be re-discussed. However, it may happen that if the number of members of the Diet who are to quit their membership owing to the "purge" directive of General MACARTHUR's Headquarters will amount to so many that it will result in it being impossible for the Diet to deliberate on this matter, the Government will principally reform the House of Peers by this reform plan as the first step and after that, reform it thoroughly as the second step. The other point is that the Privy Council will continue to function since it is primarily useful in keeping the administration from becoming autocratic and partial. Moreover, the Government is making preparations to submit this draft for the revision of the Constitution at the next extraordinary Diet session, but, at the same time, it must provide for the revision of the Imperial Household Law, the State Councillors' Board Law, the Imperial Ceremonial Regulations, Administrative Litigation Law, the Law for the organization of the Courts of Justice, the Financial Law, the government organization of the Cabinet and the government organization of the Privy Council which are all laws directly connected with the Constitution. So, it is expected to be difficult for these laws to be completely discussed at the coming extraordinary Diet session.

931.6-1028 30 Jan 46

ITEM 1 The Government Hurries Up to Revise the Constitution in Order to Maintain Old Elements - Mimpo - 27 Jan 46. Translator: K. Murakami.

500.1
Full Translation:

Since Mr. NOZAKA returned home recently, the advance towards the democratic united front, led by the Communist and the Social-Democrat Parties, has been developing daily; it is apparently seen only from the speeches made by the famous Socialists in JAPAN, who attended the welcome meeting for Mr. NOZAKA held on 25 January.

However, we must seriously regard the fact that, in contrast with such a democratic situation, the recent policies of the SHIDEHARA Cabinet have become more reactionary. For instance, we have two clear proofs of it, one, the compulsory measure for rice administration, and the other, the conservative selection of new prefectural governors after the recent sweeping change of governors due to the political purge directive issued by SCAP. Such an attitude by the Cabinet is derived from its positive political plot to strengthen the forces against democratization or from the opposition of old bureaucratic and financial elements.

From such a point of view, we cannot but notice the recent action of the Government for the revision of the Constitution. At first, the SHIDEHARA Cabinet did not wish to revise the Constitution at all. We can illustrate this fact from the words of Premier SHIDEHARA and Minister without portfolio MATSUMOTO or from the fact that the Cabinet preferred Dr. MONOBE's opinion on the needlessness of revising the Constitution.

What does it mean when a cabinet which was so inactive as has been shown above, is now in a hurry to reform the Constitution? Since it is apparent from the answer of the Government at the last Diet session, that the Cabinet's bill is nothing but a partial reform of the present Constitution still maintaining the sovereignty of the Emperor, it can be safely said that the Government intends to take a strong defensive policy against the above-mentioned systematic progress of the democratic element.

The Government had revealed the contents of the draft on the reform of the Constitution to the people before the general election, and suggested that it be submitted to an extraordinary session of the diet. The later the date of the Diet session, the stronger becomes the power of the public, as we have often pointed out. In the same way, the later the Constitutional reform, the harder it becomes to revise it conservatively. We know that, recognizing this fact, the SHIDEHARA Cabinet, which is so obstinate as to have reshuffled itself and remained in office in spite of the uproarious criticism, wants to revise the Constitution before a strong popular front is formed, with a view to establishing a base, there by maintaining the authority of the old reactionary elements.

We as a Nation must always keep the fact in mind that we have no method of defeating political plots of old elements except by forming a solid democratic popular front.

931.6-993 28 Jan 46

ITEM 1 Constitutional Reform In Sight - Asahi Shimbun - 26 Jan 46. Translator: J. Wada.

500.1
Full Translation:

The Government has manifested its intention to publish the draft of the Constitutional reform now under consideration by Minister of State Affairs MATSUMOTO. It will present the draft to the special session of the Diet to be convened after the general election. Since the present Cabinet is not a party cabinet, it is more a trustee for, rather than a director of the forthcoming general election.

Then, how can the present Cabinet present its policies to the nation in the general election? Of course people can vote for opposing parties if they do not support the present Cabinet. There may be a few more ways of expressing judgement on the government's policies. These, however, are not clear enough to the people. Further, if the Government's pledge to introduce a reform bill in the special session means its recognition of the importance of the reform problem, the Government's attitude is somewhat reasonable. On the contrary, if that promise means that a special session should be convened by the present Cabinet or that the reform of the Constitution should be dealt with by the same hands, we can never agree.

It is widely known that the present Cabinet is not qualified for the task of democratizing our country. Moreover, a favorable tendency for the unification of opposing political forces is speedily developing. It is true that the Government has the liberty of, and the responsibility for, studying and clarifying such an important question as constitutional reform, but going through the necessary procedure, beginning with a petition to the Throne for approval according to the current Constitution, is quite another problem. The task of procedure should be done, we believe, by another Cabinet which is truly representative of the people's will.

A government representative of the people's will can not be formed before the general election. Although we are not sure whether such a popular government can be established by only one general election, at least we can say that the present Cabinet is far from popular. Nevertheless, the Government is taking every means to enforce a reform by its own hands. Why? We doubt if the old influences represented by the present Cabinet are trying to solve these questions at the earliest moment under a situation where conditions are becoming more and more unfavorable to them.

Whatever the government's attitude toward the reform problem may be, it is taken as a matter of course by the people that the problem is of fundamental importance for the democratization of JAPAN. While some people argue that democracy can be established even under the current Constitution, the majority are in favor of a reform to establish a foundation for democratic politics. Thus, the reform problem has become a matter of national concern.
to such an important problem as

The people are obliged to choose their favorite reform plans from among those which are made public. To make a wise choice, the people should stop to examine and understand the social stand of the organization concerned. After such examination, they should go even farther to learn, what the real intent behind the plan is. With these plans being published one after another, we have presented this recommendation.

9316-990 28 Jan 46

ITEM 3 Dr. Takano's Proposal to Adopt Republican Government - Yomiuri Hochi -
26 Jan 46. Translator: Paesche

500,1
Full Translation:

For ushering in a democratic JAPAN, the creation of a new constitution is of primary importance since it will determine JAPAN's future form of Government. For this reason, the entire Nation has come to be interested in the issues. During a welcoming party for NOZAKA, Sanzo, on 25 January at II IDAMACHI, TOKYO, Dr. TAKANO, Iwaseburo, authority on Japanese social problems and adviser to the Social-Democratic Party, suggested the adoption of a republican form of government. It was to include a president, as Chief Executive, and a constituent assembly, determined by the people at a convention. The speakers demanded that this program be made one of the principles of the democratic front to be established soon. Dr. TAKANO is a member of the Investigation Committee for Constitutional Reform, which recently published a draft constitution. The Committee's majority group decided upon a solution which left the Emperor in charge of functions of decorum, whereas Dr. TAKANO, in line with the views of the minority, advocated a republican form of government. So far, he has refrained from making his views public. During the aforementioned reception, Dr. TAKANO stated:

"The constitution must be the people's constitution, shaped according to the people's wishes. It determines essentially the people's political, social, economic, and cultural way of life. The adoption of a republican form of government, with a president at the head, is needed for making the state basically democratic, and there can be no true democracy without placing sovereignty in the hands of the people. The president should be elected by universal ballot for four years. Re-election is permissible but a third term should be ruled out. For the organization of parliament, the two house system should be adopted. As far as the first house is concerned, I agree with the draft plan of the Investigation Committee but the second house must be made up of representatives of the professional groups, as well as of the various social layers within these groups, this is of the landed proprietors, small farmers, capitalists, workers, small farmers, capitalists, workers, and employees. Obviously, matters twice handled by the first house cannot be vetoed by the second assembly. These are the chief outlines of the scheme, but the details should be worked out by experts. I think the present Emperor cannot be exempted from war responsibility. In the light of recent directives excluding certain people from public office, one should naturally expect the Emperor to be responsible since he is the supreme commander and sovereign. I hope that around the middle of May, the people will spontaneously convene a democratic constituent assembly. For this purpose, representatives of the Social-Democrat and Communist Parties, of farmers and worker Unions, of cultural groups, and of publicity organizations would have to gather at TOKYO. This will be no meeting to vote petitions to the Government. It will be a full-fledged constituent assembly for the people and by the people destined to deal with our basic problems. The Social-Democrat and Communist Parties must comprise its nucleus. The demand to convene an assembly of this kind must by all means become part and parcel of our united front platform."

931.6-983 27 Jan 46

ITEM 3 The Revision of the Constitution and the Attitude of the Government -
Tokyo Shimbun - 27 Jan 46. Translator: I Kuniko.

Full Translation:

500.1
The Government is said to be going to institute a Constitution Revision Deliberation Committee in the beginning of February, after the seventh general meeting of the Constitution Revision Investigation Committee, in order to deliberate on the revision of the Constitution by referring to the draft of the Investigation Committee and, to make a draft of the Government, and publish it before the notice of election day in order to appeal to the public. When we consider the fact that the general election and the revision of the Constitution are the greatest themes given to the present Cabinet, it must be a proper course.

As the aim of the coming general election is to give a new political vitality to the bloodless revolution caused by the Allied Powers, to ask the nation about the draft of the new Constitution, a basic law of the country, can be said to be a democratic method and a very proper means. We do not intend to protest against the method, but we cannot but be concerned about what the Government draft contains. Whatever draft the Deliberation Committee may make, our nation, is not compelled to accept it. The nation can criticize it fully and can indicate its will through the general election. We are not anxious about it, but we must expect the Government to do its best so that it may neither lose its authority nor confuse public opinion.

Then, in order to make a draft of the Government, it must not make all the members of the Constitution Revision Deliberation Committee bureaucrats. At the same time, it must democratically refer to the several civil drafts in order to make use of the merits of others and supply its deficiency. We must warn the Government against such tendencies, since a deliberation committee of the same kind has hitherto been liable to become bureaucratic and exclusive to others. In the beginning of the MEIJI Period, when the existing Constitution was enacted, several drafts have already been made. Of these, the KOJUNSHA's draft was said to be most systematic and most excellent. The civil drafts of the Constitution in those days were generally characteristic of democracy, following the example of the constitution of countries such as BRITAIN, AMERICA, FRANCE etc. In spite of it, the drafters, under the supervision of Prince ITO, disregarding these drafts, made a constitution granted by the Emperor, thus following the Constitution of PRUSSIA, a bureaucratic country. What was the effect of it? It is too obvious. It was natural that such an official constitution checked the development of democracy and became a hot-

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bed of militarism.

In response to the construction of a new JAPAN, there have already been published several drafts of the Constitution. We can count three as powerful drafts, but what attitude will the Government assume towards them? The three are the Privy Seal Draft drawn up by the late Prince KONOE, the draft of the society for the study of the Constitution under the supervision of Dr. TAKANO, Iwasaburo, and seven other members, and the draft of the JAPAN Liberal Party. These have their own peculiarities. We are concerned about how these drafts will be reflected in the Government draft. For instance, when the content of the talk given as a private opinion by Mr. MATSUMOTO, Minister without Portfolio, who is the real drafter of the Government, is compared with the three drafts, it is most similar to the Privy Seal Draft. We fear that the Government, whose view is inferior to the draft of the Liberal Party from the standpoint of progress, may wilfully pass over the draft of the society for the study of the Constitution, which is based upon the theory of "The Emperor is only an organ. The sovereignty rests with the people."

The draft of the Liberal Party which is based upon the theory of "The country as a corporation," must be reconsidered, because it, as well as the present Constitution, makes us entertain doubts about the responsibility of the Emperor. Further, it must be considered what the draft of the society for the study of the Constitution will be thought of by the nation. For all that, the Government cannot be permitted to confine itself to its own view and to pass over the others. It is permitted to do so, the Government will repeat the failure of the MEIJI Constitution. The Government must be cautious in this matter.

931.6-1006 29 Jan 46

ITEM 4 Examined by Control Council - Constitutional Reform and the Allied Powers - SCAP Reveals Attitude. Cabinet Meetings to Discuss Draft. Asahi Shinbun - 1 Feb 46. Translator: K. Onishi.

500.1
Full Translation:

The Government discussion on the draft of the Constitutional Reform being in progress, the problem of the Constitution now becomes the central political question. This problem, however, is not to be solved merely by the Government and the Diet which is to be convened after the forthcoming general election. It requires the approvals of SCAP and the JAPAN Control Council, and it is expected that it will have to pass through a lot of meandering before final decisions are reached. It was not quite clear how to ask for their approval, but on this point a SCAP spokesman at the press conference on 31 January revealed the relationship between the Government, the Diet, SCAP and the JAPAN Control Council, in connection with the Constitutional Reform.

"Of course, the question of what sort of Constitutional Reform draft is presented is a matter of great concern to the Supreme Headquarters and the Far-Eastern Advisory Commission. However, that its fundamental responsibility rests with the Japanese people is clear according to the POTSDAM Declaration. It is not required that the Constitutional Reform draft be approved by the Far-Eastern Commission before getting the Diet's sanction, nor is it required to come through draft procedure after passing the Diet or to be presented to SCAP or to the Far-Eastern Commission for approval. However, as it is clear that the Supreme Headquarters has the right to examine any such important subject, it is quite natural that a constant touch be kept between the Japanese Government and the Supreme Headquarters while the drafting is in progress."

Regarding the wording "to be decided by the will of the people freely expressed", the pressmen asked the definition of the phrase "the will of the people freely expressed", and in reply, he said, "This means the Diet of the members elected by free democratic election in which the largest possible majority of the people participated." In response to the press question whether the forthcoming Diet is qualified for it or not, he stated, "That is beyond the scope of reply. All depends upon the development of the situation."

According to this spokesman's statement, we find the problem of the Constitutional Reform is governed by such complicated factors as the nature of the Government's draft, the Government's contact with SCAP, the nature of the forthcoming Diet, the examination by the Far-Eastern Commission, and so on. Regarding the relation of the Far-Eastern Commission and the JAPAN Control Council, it is stated, in a communique of the MOSCOW meeting last year, to the following effect:

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"Concerning the problems of the fundamental reform of the Japanese constitutional organization, change of regime, and total change in the Japanese Government, if one of the members of the Council does not agree with the Supreme Commander or his agent when putting into practice the decision of policy of the Far-Eastern Commission, the Supreme Commander will withhold the enforcement of his order until the opinions of the Far-Eastern Commission attain an agreement."

In view of this, in dealing with such an important subject as the problem of the Constitutional Reform it is understood that the Supreme Headquarters would naturally put it under the examination of the JAPAN Control Council which is his advisory organ consisting of the respective representatives of four nations, U.S.A., SOVIET RUSSIA, CHINA, and GREAT BRITAIN, and her Dominions, and in case any one of these nations raises objection to the final right to decide on the fundamental problem of the Constitutional Reform it is understood that it will rest with the Far-Eastern Commission.

The extraordinary cabinet meeting to discuss the Constitutional Reform Draft was held on 31 January, for two hours, from 1330 hours. In continuation of the previous day's cabinet meeting, the State Minister Without Portfolio MATSUMOTO explained the draft, article by article. Regarding the status of the Emperor, sovereignty, etc. which constitute the fundamentals of the Constitutional Reform, the Prime Ministers and other ministers expressed their opinions. Warm discussions were exchanged with State Minister Without Portfolio MATSUMOTO.

In the day's cabinet meeting, the discussions still converged around the articles concerning the Emperor. Hardly any progress was made. In consequence, things have come to such a pass that 4 or 5 more cabinet meetings would be required before they complete discussion of the whole draft.

As for the Government, they intend to present it, as was first planned, to the Special Session of the Diet, but, in order to do so, it will take a good many days for such matters as contacts with the SCAP, consultations with the Constitutional Reform Council, the consideration at the Privy Council, etc., even after the Cabinet decision is reached. For the purpose of expediting the discussions it is expected that they will be continued at today's cabinet meeting which will be followed by a series of extraordinary cabinet meetings as far as the circumstances permit, so that the discussions may come to an end some time next week.

ITEM 1 Investigation of Revised Bill For Constitution - Asahi Shimbun -
31 January 1946. Translator: S. Kawasaki.

500.1
Full Translation:

Based on the important views expressed by Education Minister ABE at the Cabinet Meeting on 29 January, the Government, decided that various ministers should study the problems of the revision of the Constitution and opened the extraordinary Cabinet meeting at 1000 on 30 January. Concerning the Government's constitutional revision, the completion of the revised bill has been hastened at the Constitutional Problem Investigation Committee, headed by Minister of State Without Portfolio, Dr. MATSUMOTO. At the committee held on 29 January the bill was completed. It is to be submitted at the general meeting of the committee on 2 February, and is to be passed without any amendment. The drafting of the revised bill by the Committee, can be considered completed. The revised draft is not single, and its contents consist of two bills which have slight differences. Both bills have been completed as regards the text of the Constitution. Thus at the time of completing the drafting at the committee, Minister of State MATSUMOTO is to submit it to the cabinet meeting and explain it in detail.

At the cabinet meeting held on 30 January, "A" bill was made with reference to it. The two bills were reported article by article, and explained in detail. In answer to the explanation by Minister of State MATSUMOTO, sincere questions and exchanges of opinions were made by Minister of Justice IWATA and various other Ministers. The center of discussion seemed to be mainly concerning Chapter 1 of the Constitution, namely the article concerning the position of the Emperor. At the Cabinet meeting of the same day, the explanations had not yet been finished. At 1330 on 31 January, an extraordinary meeting will again be held, and following it, at the time of the hearing of the explanations, the discussions will be continued. In order to complete the deliberations on the problems of the constitutional revisions, it is estimated that two or three more Cabinet meetings will be necessary.

The bills of the committee that were made clear at the cabinet meeting by Minister of State MATSUMOTO, for the first time, are the revised four fundamental principles that he had brought up at the previous extraordinary session of the Diet. They are, the superintendence of the supreme power of the Emperor, the restriction of items of the supreme power, the responsibility system of Ministers of State, and the strengthening of protection of the peoples' rights.

Some Ministers are of the opinion that those bills may be too conservative and too moderate. Until their settlement as Governmental bills, many discussions are forecast. Moreover, the revised bills are to be again submitted to the Cabinet meeting formally after the end of the general meeting of the Committee; and are to be decided upon as the bills of the Government. After the decision, the Constitutional Deliberation Conference will be established, and the bills will be introduced. After the completion of deliberations on the bills, the proposal concerning the Emperor will be submitted to the Throne. Furthermore, the gist of the revised bills is expected to be made public before being introduced to the Revision Deliberation Conference (KAISEI-SHINGI-KAI). The date is forecast to be the announcement of the date of the general election, about 1 March.

ITE 12 "The Council For Enacting A Democratic Constitution", By MATSUMOTO, Juji-Mingyo Shimbun-21 January 1946. Translator: KATO, Hirokatsu.

500.1
Summary:

At the reception rally in honor of NOZAKI, Sanzo at TAISHOKAKU, TOKYO, on 21 January, the proposal was made by KONO, Tadasaburo, and SUZUKI, Yasuzo, to convert the council for enacting a democratic Constitution around the middle of May. The conference, on principle, being held independently by the people, it is said that all the representatives of such popular organizations as the Social Democrats, Communists, farmer's Co-operatives, labor unions, cultural bodies press organs, etc., should be invited. With respect to the revision of the Constitution or the enactment of a new Constitution, there have been outlines of the revision of the Constitution privately proposed by Minister without Portfolio MATSUMOTO, and draft plans of its revision drawn up by the late Prince KONOE, the Constitution Research Institution, the Japan Allied Bar Association and the Liberal Party. However the draft plan for the Constitution reform, as drawn up by KONO and SUZUKI is the first one as far as a democratic procedure of its revision is concerned. The procedure by which the Constitution will be revised is first most essential in the revision or enactment of the Constitution. For it will almost decide whether or not the substance of the Constitution is democratic. It is next to impossible to expect a democratic draft of the Constitution from the Government and the Official Council to which its revision has been left. Under the present circumstances it may be admitted that the most democratic procedure for the Constitution revision considered at present is to improve upon the draft plan as proposed by KONO and SUZUKI which reflects the unequal aspirations of the whole nation.

Of course, it must be taken into consideration that the conference which the people will independently convene is set up so as to reflect the views of the people in as democratic a way as possible. If such a conference can be held successfully, we will never fail to realize the anticipated result. The Social Democrats as well as the Communists will make public a draft plan for a new Constitution in the near future, while labor unions, farmer's organizations and other cultural bodies will have their own opinions about the Constitution in question. It goes without saying that "the question of the Constitution revision" must, in point of fact, go into the enactment of the new Constitution. It is desirable that the Constitution problem must not be an obstacle in the way of forming a democratic front, but produce a good result which its free discussion will make among the democratic influences in a spirit of friendship and confidence. Though parties or organizations may have their own views as regards the Constitution, it will be proved a few months later by how keenly they feel the necessity of the united front for the Constitution problem.

The present ruling class and the Government are planning to let pass in the forthcoming extraordinary Diet Session the conservative plans of the Government which has such ambiguous expressions as "The Emperor is one supervising the sovereignty and its chief executive." If now, when a constituency is too conservative, the newly-risen influences cannot keep step, the plan of the Government will be in danger of success. In order to prevent such danger it is necessary to enlighten the masses above all for the democratic influences to form a strongly united front against the plan, and to hold a council for enacting a democratic Constitution. Furthermore in this council we should like to draw up and enact such a new Constitution as can be supported by the absolute majority of democratic people. This the formation of the common draft plan will give more impetus to the enlargement and consolidation of a democratic front. In this view, it is desired that the council will be held, if possible, before the general election without waiting until the middle of May.

ITEM 3 Constitution Investigation Committee's Work Ended - Asahi Shinbun -
3 Feb 46. Translator: T. Kitayama.

500.1
 Full Translation:

The Government's Constitutional Investigation Committee held its conference on 26 January, and discussed the revision draft. The result was to be brought before the plenary meeting of the Investigation Committee for discussion, and the seventh general meeting of the Investigation Committee was held at the Premier's official residence at 1000 on 2 February. The conference was attended by MATSUMOTO, Chairman of the Committee and Minister without Portfolio, Advisors SHIMIZU, MINOBE, and NOMURA, committeemen MIYAZAWA, KIYOMIYA, KAWAMURA, NARAHASHI, ISEIGURO, IRIE, SATO, NODA, OKUNO, MOROHASHI, KOBAYASHI and OIKE.

They discussed drafts A and B formed by the conference of the Committee, and opinions were given mainly by the advisors. The result was that there were two or three points in the draft in which it was decided to amend certain words and phrases. Two or three important opinions were also given concerning other points. These amendments and opinions will be reported by Minister without Portfolio MATSUMOTO when he explains the revision draft at the Cabinet meeting.

The Investigation Committee has just finished its task of making up the revision draft of the Constitution and is to rest for a while. But should external elements voice opposition, the Committee will hold a conference for further investigations. Minister without Portfolio MATSUMOTO intends to complete his explanation of the draft at the extraordinary Cabinet meeting to be held on the 4th, but as many opinions will be given by Cabinet members, he will be unable to finish the explanation on that day. After an understanding is obtained at the Cabinet meeting, the Minister, keeping in close contact with all quarters concerned, will have the revision draft discussed by the Investigation Committee. The draft will then be published to bring forth opinions from the general public.

Concerning the revision of the Constitution, the government finished discussions of the Investigation Committee on the 2nd. Holding a Cabinet meeting every day, it examined the draft made by the Committee, and is quickly drawing up the Government's plan for the revision of Constitution. As soon as this examination is finished, the government is scheduled to revise the associate laws. In regards to the associate laws, the Government is going to introduce in the coming extraordinary session of the Diet, along with the revision bill of the Constitution, a new law bill accompanying the revision of the House of Peers Ordinance, a revision bill of the House of Representatives and several other law bills. These bills will be made up by the Constitution Revision Investigation Committee of the Cabinet Legislation Bureau and the secretaries of both House.

As for the Imperial House Law, Minister without Portfolio, MATSUMOTO, who is in charge of the Constitution revision, has no intention of revising it. On this problem, MATSUMOTO states that no opinion was ever advanced, during the period in which the Constitution revision was being discussed, either from the Government itself or from outside sources. Consequently, since the abdication of the Emperor must be made in accordance with the Imperial House Law or since there is the possibility of the Emperor's death, the abdication of the Emperor has not been considered in the present work of revising the Constitution.

ITEM 1 Constitution Revision. Outline of Government Draft - Yomiuri Hochi - 2 February 1946. Translator: J. Weiller.

500.1
Full Translation:

The Government, which has been deliberating on the revision of the Constitution with "A" Draft, a tentative draft worked out by the Investigation Committee, as a main plan, and "B" draft as a reference plan, will convene on the seventh Investigation Committee Meeting on 2 February, when the draft will be submitted and is expected to be approved. A decision on the outline will be made at the latest in the course of next week at a Cabinet meeting. The organization of the Deliberation Committee will be announced by an Imperial Ordinance. When the Government's original draft has been studied by the Deliberation Committee, it will be forwarded to the Privy Council for Imperial ratification and thence will be submitted to the Diet.

Minister without Portfolio MATSUMOTO made a public statement on the 1st regarding the course of the deliberation and the future method to be taken up as follows: (1) The draft deliberation at Cabinet meeting embodied a slight change in letters to the provisions of Articles 1 to 4, but there is no basic change. (2) Article 4 which provides that the prerogative shall be exercised according to the provisions of the Constitution will be left intact, but measures have been taken to curtail substantially the prerogative by democratic revisions of other articles. (3) Upon submission to the Deliberation Committee, the Government's original draft will be made public in order to put it to the discussion of the general public at the general election, etc. As is clear from the above statement, in spite of the Government's announcement that it would carry out considerable democratic revisions in order to fulfill the purport of the POTSDAM Declaration, it reveals the conservative tendency of the present Cabinet in that it attempts to keep intact the fundamentally important first 4 articles. It is naturally expected therefore that the question will invite storms of controversies from many quarters.

ITEM 2 Government's Constitution Revision Bill published before General Election - Asahi Shinbun - 23 Jan 46. Translator: T. KITAYAMA.

500.1
Full Translation:

The Government is making strenuous effort, with the aid of State Minister without Portfolio MATSUMOTO, to complete the draft of the Constitution Revision Bill. The investigations will shortly be completed by the Constitution Problem Investigation Committee, and be brought up for the discussions before the Cabinet.

The Committee held its first meeting at the end of October last year, and 19 minor meetings, ordinary meetings and general meetings have hitherto been held. Through these meetings the Committee has been continuously making investigations of the problem. At the general meeting on 26 December the outline of the Revision Bill was at last made up, after MATSUMOTO, Chairman of the Committee had examined it carefully. Three months have elapsed since the Committee held its first meeting, and now it is time for the final touches to be given to it. On 23 January, a small meeting will be held, at which the draft of the Bill will ultimately be corrected. Then on the 26th, the Committee will meet again and reexamine it thoroughly. At the beginning of next month, the seventh general meeting will be convened. The draft of the Bill by the Constitution Problem Investigation Committee will at last be decided upon. The draft of the bill will be presented to the Cabinet for discussions.

State Minister MATSUMOTO intends to publish it so the public can express its opinion. The time of its publication is predicted to be before the date of the general election. The Government's Constitution Revision Bill has become an important subject for the general election.

Enthusiastic discussions will be made among all political parties and the people at large about the draft of the Revision Bill. 931.6-914 24 Jan 46

ITEM 3 Committee Formed to Investigate into the Revision of the Constitution
- Mainichi Shimbun - 25 Jan 46. Translator: A. Kido.

500.1

Full Translation:

With a view to introducing a constitution reform bill before the special diet meeting, following the coming general election, the Government is hurrying up the completion of the draft. The board of inquiry into questions relating to the constitution will, early in February, hold the 7th general meeting to complete a final inquiry into the entire constitution. In connection therewith, Minister MATSUMOTO is desirous of setting up a board to investigate into the reform of the constitution (provisional name), or Government institution system, in order to get a government bill drawn up soon, and the cabinet will soon be consulted on this matter.

The board for investigating constitution reform will be composed of the committeemen and advisers of the existing investigation board, as well as of learned and experienced men. Upon completion of the bill as a formal government bill, it will be submitted to the Privy Council and the special Diet meeting for deliberation. The Government is expected to announce the government's reform bill before announcing the date for the general election, so as to appeal to public opinion.

On the other hand, bills reforming the laws of the Houses of Peers and Representatives are closely connected with the constitution reform, and Minister MATSUMOTO will have them completed at about the same time.

Further, the board of inquiry on constitution questions is expected to remain even after the board for investigating constitution reform has been set up.

931.6-956 26 Jan 46

ITEM 2 Cabinet Speeds up Discussion of New Constitution - Asahi Shimbun -
2 February 1946. Translator: Pasche.

500.1

Summary:

The Cabinet discussions of the Constitutional Reform Bill were carried on during the whole of the 1st. On the 2nd a General Assembly of the Constitutional Investigation Committee is to take place which will finally decide upon the wording of the Amendment Bill worked out by the committee.

The Chief Secretary of the Cabinet ARAHASHI had the following to say concerning the Draft of the Constitution published by a newspaper on 1 January: "The Draft described by the papers had nothing to do with the one actually worked out by the committee. The newspaper story has an uncanny resemblance to certain materials used by the committee but is entirely different from the text now under review by the committee. The committee will take up the discussion again during an extraordinary session on 4 February, at 1300.

ITEM 5 Constitution Investigation Finished - Asahi Shimbun - 27 Dec 45
Translator: MURAKAMI, K.

500.1

Full Translation:

The sixth plenary session of the Constitution Investigating Council was held at 10:30 hours on 26 December at the Premier's official residence. It was attended by chairman MATSUMOTO; SHIMIZU, MI OBE, KOMURA, all councilors; and MIYAZAKI, KAWAMURA, KIYOMIYA ISHIGURO, OIKAWA, IRIE, SATO, NAKANO and OKUNO, committeemen. They discussed problems which had been left over from the last session, and finished all the proceedings, drawing up a bill on the revised text.

It was also decided that the council would examine the bill on the revised text using a small number of its committeemen sometime around the end of December. The meeting was closed at 1600 hours. The next session is scheduled to open in January.

931.6-546 8 Dec 45

BILL ON CON-

STITUTION REVISION PRESENTED TO JAPANESE GOVERNMENT BY CONSTITUTIONAL INVESTIGATING SOCIETY INCLUDED FOLLOWING ON LABOR CLN GOVERNMENT TO RECOGNIZE MAXIMUM EIGHT HOUR AND SALARIED VACATION SYSTEMS CMA FURNISH SANITORIA CMA SOCIAL AND CULTURAL INSTITUTIONS FOR WORKERS AND PROVIDE OLD AGE AND SICKNESS BENEFITS

500.1

912 59 Jan 46

3. Review of the Japanese Press:

500.1

a. Revision of the Constitution: Three articles on the above topic adopt a substantially similar view point. They criticize the initiative in revision being taken by the office of the Lord Privy Seal as being contrary to the spirit of the constitution itself. They agree in asserting that this function should properly belong to the Government, a matter primarily for the Cabinet and Diet.

911-43 17 Oct 45

ITEM 4 Warahashi's Statement on the Will for the Revision of the Constitution - Yomiuri Hoshi - 2 Feb 46. Translator: K. Murakami

500.1

Full Translation:

The Government held a Cabinet meeting at 1430, 1 February to discuss the Constitution. At the meeting, Chief Secretary WARAHASHI issued the following statement:

A bill for revision of the Constitution was published in some newspaper as the tentative bill of the Constitution Investigation Council. However, it is quite different from the genuine bill of the Council. Of course, we find some identical points since various persons attended for reference, as well as advisers and committeemen. Anyhow, it is quite different from the bill of the Council which is now being investigated at the Cabinet Meeting.

Government Completes Outline Of Constitution Revision Draft; OK Given By Cabinet Members

Suggestions Given By Ministers Taken Into Account

The Cabinet deliberation held on February 4 marked the completion of the tentative draft of the Government's Constitutional amendment. This climaxed the article-by-article explanation of State Minister Matsumoto which covered four days following the extraordinary Cabinet meeting which took place on January 30.

In this connection, State Minister Matsumoto made the following statement on February 5:

"My explanation to the Cabinet members regarding the amendment of Constitution drafted by the Cabinet Investigation Committee has been finished with the Cabinet meeting of February 4.

There have been various opinions expressed by the members of the Cabinet, but none was so strong as to be considered as an objection. All that was said came to the ascertaining of the doubtful points or suggestions for slight revisions. But when I explained the circumstances, all expressed their complete approval.

"There was, however, one very valuable suggestion that may be adopted in the draft before its completion. As all the Cabinet members had the general outline of the amendment, no drastic revision was necessary. Therefore, I believe, the committee's draft will be used as the official government draft.

"At any rate, since the members of the Cabinet showed their approval, all that is left now is the official approval of the Cabinet and what follows next is the institution of the deliberative council by Imperial Decree, after that the proclamation.

"All this, I hope, will be finished during the month of February, but it is still difficult to tell whether or not that can be done during this month. If not, that would be due to unavoidable circumstances."

Some Changes Made

Summing up what State Minister Matsumoto said and other information, the constitutional amendment drafted by the Cabinet Investigation Committee seems to suggest the following change:

1. From Article I to the supplement of the Article VII, there is no change as to the number of Articles as are in the existing Constitution. But the provision for Privy Council is deleted.

2. The present draft has longer Articles, the number being the same.

3. Though there are slight changes in wording, no order of Articles is changed as far as Article I to IV.

4. In Article IV where it is provided that the Emperor is sacred and inviolable, the word sacred is changed to some other word.

5. In the Article III which stipulates the structure of the Diet, words, House of Peers, are to be changed to House of Counselors. But this is to be submitted to the Special Diet session after general election side by side with the amendment bill. In order to avoid inconveniences, occasioned by an objection to the adoption of House of Counselors, House of Peers is already treated as House of Counselors in the draft.

Mainichi 7 Feb 46

Constitutional Amendment Drafted Aims To Cut Imperial Prerogatives

Revised Constitution Drafted By Govt.

Abolition Of System Of Naming Princes Of Blood, Peers As Upper House Members Envisaged

It is understood that the total abolition of the system of nominating Princes of the Blood and titled persons as members of the Upper House, which is to be rechristened the Sangi-in or Advisory Council, and the retention of the Privy Council to avoid a possible lopsided management of state administration, are envisaged in the revised Constitutional draft worked out by the Government.

State Minister Joji Matsumoto, who is in charge of the Government draft, is now carefully studying the matter assisted by former Home

Vice-Minister Yoshimi Furui. The final draft is expected to be referred to the projected Constitutional Reform Inquiry Commission which is to be created early in March.

To Comprise About 15 Members

The commission will be composed of about 15 or 16 members who are to be selected by State Minister Matsumoto from among Cabinet Ministers, Privy Councilors, and members of both Houses with the special treatment as Imperial nominated officials. The detailed regulations of the commission will be made public simultaneously with the announcement of the revised Constitutional draft.

Meanwhile, the plan for the revision of the House of Peers Ordinance which was formerly decided on by the Government will be reexamined. However, should the deliberation on the plan be made unfeasible on account of the resignation of many members by virtue of the recent purging directives from SCAP, the ordinance may be subjected to a provisional revision based on the original plan and an all-out revision may be effected later on.

Difficulty Is Seen

Although preparations are being made by the Government to introduce the Constitutional amendment bill to the next extraordinary session of the Imperial Diet, it is seen difficult to discuss the matter in the next extraordinary session, because to do so the Government must at the same time introduce the bills pertaining to the revision of the associate laws of the Constitution, such as the Imperial House Law, the Advisory Council Law, the Administrative Litigation Law, the court of justice statute, the financial law, etc.

Mainichi 30 Jan 46

Constitution Revision

Attitude Of Socialists May Be Decided

The Japan Socialist Party is daily holding permanent committee meetings at its central headquarters in preparation for the 1st conference of the all-Japan central executive committee which is to take place in Tokyo on January 16. At the conference, it is expected that the party will handle the various issues in the following manner:

1. Although a divergence of views arose within the party regarding the Emperor system, it is expected that the party will ultimately adopt the draft plan worked out by Iwasaburo Takano, Masuzo Suzuki, and other members of the Constitutional research society which contends that while the Emperor is to be entrusted by the people with the observance of national rites, the sovereignty

Imperial Order Due Soon For Premier to Prepare Revision of Constitution

An Imperial Command will

In this connection, State Minister Matsumoto made the following statement on February 5:

"My explanation to the Cabinet members regarding the amendment of Constitution drafted by the Cabinet Investigation Committee has been finished with the Cabinet meeting of February 4.

There have been various opinions expressed by the members of the Cabinet, but none was so strong as to be considered as an objection. All that was said came to the ascertaining of the doubtful points or suggestions for slight revisions. But when I explained the circumstances, all expressed their complete approval.

"There was, however, one very valuable suggestion that may be adopted in the draft before its completion. As all the Cabinet members had the general outline of the amendment, no drastic revision was necessary. Therefore, I believe, the committee's draft will be used as the official government draft.

"At any rate, since the members of the Cabinet showed their approval, all that is left now is the official approval of the Cabinet and what follows next is the institution of the deliberative council by Imperial Decree, after that the proclamation.

Constitutional Amendment Drafted Aims To Cut Imperial Prerogatives

In the course of its general meeting on January 21, the Japan Liberal party unanimously approved its draft Constitutional amendment which had been worked out since last November by a seven-man committee headed by Chairman Ando of the political affairs investigation committee.

Based on the theory that the State is a judicial person, the 1st chapter of the draft purports that the sovereignty rests with the Japanese State. In the 2nd chapter, it intends to diminish remarkably the so-called Imperial prerogatives by the abolition of the Emperor's rights of issuing Imperial ordinances and various other emergency decrees.

The 4th chapter claims that the Diet is not only a legislative body

as are in the existing Constitution. But the provision for Privy Council is deleted.

2. The present draft has longer Articles, the number being the same.

3. Though there are slight changes in wording, no order of Articles is changed as far as Article I to IV.

4. In Article IV where it is provided that the Emperor is sacred and inviolable, the word sacred is changed to some other word.

5. In the Article III which stipulates the structure of the Diet, words, House of Peers, are to be changed to House of Counselors. But this is to be submitted to the Special Diet session after general election side by side with the amendment bill. In order to avoid inconveniences, occasioned by an objection to the adoption of House of Counselors, House of Peers is already treated as House of Counselors in the draft.

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who is in charge of the Government draft, is now carefully studying the matter assisted by former Home

Constitution Revision

Attitude Of Socialists May Be Decided

The Japan Socialist Party is daily holding permanent committee meetings at its central headquarters in preparation for the 1st conference of the all-Japan central executive committee which is to take place in Tokyo on January 16. At the conference, it is expected that the party will handle the various issues in the following manner:

1. Although a divergence of views arose within the party regarding the Emperor system, it is expected that the party will ultimately adopt the draft plan worked out by Iwasaburo Takano, Masuzo Suzuki, and other members of the Constitutional research society which contends that while the Emperor is to be entrusted by the people with the observance of national rites, the sovereignty should rest with the people.

2. The majority of the party members wanting to settle the presidency issue as early as possible, Ikuo Oyama, who is now staying in the United States, is regarded as the most promising candidate. But if he is unable to return home, most probably Tetsu Katayama, now chief of the party, may be elevated to the presidency.

3. As regards the question of organizing a united front with the Communist Party, there is little hope, although attention is attached to the attitude of the leftist elements within the party.

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made public simultaneously with the announcement of the revised Constitutional draft.

Meanwhile, the plan for the revision of the House of Peers Ordinance which was formerly decided on by the Government will be reexamined. However, should the deliberation on the plan be made unfeasible on account of the resignation of many members by virtue of the recent purging directives from SCAP, the ordinance may be subjected to a provisional revision based on the original plan and an all-out revision may be effected later on.

Difficulty Is Seen

Although preparations are being made by the Government to introduce the Constitutional amendment bill to the next extraordinary session of the Imperial Diet, it is seen difficult to discuss the matter in the next extraordinary session, because to do so the Government must at the same time introduce the bills pertaining to the revision of the associate laws of the Constitution, such as the Imperial House Law, the Advisory Council Law, the Administrative Litigation Law, the court of justice statute, the financial law, etc.

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Imperial Order Due Soon For Premier to Prepare Revision of Constitution

An Imperial Command will be given shortly to Prime Minister Baron Kijuro Shidehara to start promptly the necessary preparations for revision of the Japanese Constitution. His Imperial Majesty, Saturday morning, listened to detailed explanations on the proposed revision of the Constitution for about two hours at the Imperial Palace beginning at 10:30 a.m. given by Dr. Soichi Sasaki who had collaborated with Prince Fumimaro Konoye. Results of the investigations, it is recalled, were submitted to the Throne on November 22 by Prince Konoye.

*Nippon Times
Nov 26, 1945*

COPY

GENERAL HEADQUARTERS
 SUPREME COMMANDER FOR THE ALLIED POWERS
 ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 1134

DATE: 5 Feb 45

EDITORIAL SERIES: 361

ITEM 1 What is Loyal Service? - Mainichi Shimbun - 2 Feb 45. Translator:
H. Arai.

Full Translation:

We hear that, at a cabinet council, the Emperor's throne and sovereign power were discussed. That tells us how formal and nominal the former Cabinet councils were. The character of an old cabinet council was not political, but business-like, because many Cabinet Ministers were men of just that type. Anyhow many people may be disappointed in the conservative draft submitted to the Constitutional Revision Committee. In a word, the present Cabinet Ministers adhere to the words "Constitutional Revision," and lack the administrative ardor and ideals for the construction of a new state. The Constitutional Revision is no longer a mere matter of law. It is the highest politics. Nevertheless, as in the case of civil or commercial law, the Cabinet intends to organize merely a revision committee with State Minister MATSUMOTO, a lawyer, as leader, for drawing up a tentative plan. Such a way of thinking is far from the revolutionary trend of the times. It should consider that Prince ITO, Hirobumi, the greatest Statesman in JAPAN's history, played a most active part even in making the existing Constitution.

It is quite difficult to make a constitution in these revolutionary times of the state or society, because of the lack of a reasonable stabilized governing idea. However, if the Cabinet revises the Constitution at all, it must choose a definite course to make the Constitution suitable to the social situation that is now in the process of changing.

Regarding the problem of the Emperor System, it should be borne in mind that one of the provisions of the POTSDAM Declaration is that the actual power for the inauguration of the Constitution is passed from the Emperor's hands to the people's. Speaking frankly, a new Constitution would not, in fact, be one granted by the Emperor, but it would actually be one constructed by the people in conjunction with the Emperor. The most loyal service would be for the present cabinet to manifest this established fact in the Constitutional Revision.

It is reported that, according to public opinion, the Household Ministry will set about the disposal of the Imperial estate in the public interest. It is, however, indefinite as to what standard the Imperial estate was valued at 1,500,000,000 yen. In accordance with SCAP's order the Imperial estate is regarded as coming under property taxation. If the authorities would resort to such petty means as to assess the Imperial property lower than national property, it would be extremely disloyal.

500.1

500.1

EDITORIAL SERIES: 361 (Continued)

ITEM 2 We doubt the Adequacy of the Government's Steps in Constitutional Revision - Asahi Shimbun - 3 Feb 46. Translator: H. Furukawa

Full Translation:

500.1
It seems likely that the Government is in haste to draft a revision of the Constitution. There is also the Government's desire to introduce a bill to that effect to the Diet by an Imperial decree and the present Cabinet seems desirous of carrying this task out. We do not object to the present Cabinet's making tentative plans for constitutional revision. We cannot be convinced, however, that the present Cabinet should also be responsible for introducing the bill to the Diet. As everyone knows, it is dis-trusted by the people, due to its reactionary character exposed in all its measures.

The existence of the present Cabinet has been made possible only by the unavoidable fact that, to our regret a powerful Political opposition has not been formed. It is already clear that the present Cabinet, which is so unpopular, is not qualified to present a plan for Constitutional revision which will be so important in the new democratic JAPAN.

The same can be said, about the current political situation in view of the traditional political morality which seem to dominate the minds of the present Cabinet members. How can they dare ask the Throne to order the introduction of the bill for Constitutional revision to the Diet, without enjoying the confidence of the people? Are they still confident of being able to assist the Throne in spite of their unpopularity? It is reported that the Government will decide on the draft within this month, and early in March, it will consult with the Constitution Investigation Committee on the draft. The period during which these matters are to be under way coincides with that of the election campaign, so we cannot regard it as the best time for full and careful deliberation.

Mr. MATSUMOTO Minister without portfolio, says that it is democratic to have the revision plan discussed among the people as an election issue, along with the deliberation in the Committee. Discussions among the people, however, are meaningless without being reflected in the revision plan. We think that the most adequate policy is to take such steps so that the post-election cabinet will modify the plan after considering the results of the election and then, submit it to the committee for consultation. The Constitution Investigation Committee will be set up before the election. We must be extremely doubtful of the membership and the management of the said committee, and whether it can be democratic and satisfy the people, judging from the character of the present Cabinet.

As we have already pointed out, it has been customary in the formation of committees by the Government that the members of the Committees should be chosen so that the original plan submitted by the Government will be accepted. We warn the Government not to make the members of the revision Committee follow this precedent and we also ask the Nation to put the Government under the strict supervision of the people.

The constitution revision should not be considered by the people a problem of parliamentary Government or politics. It must be treated as a general problem deeply linked with the whole national livelihood, and from this point of view, the Committee members should be selected from every level of society.

EDITORIAL SERIES: 361 (Continued)ITEM 2 (Continued)

Also in carrying out the work of the committee, we want to remark on the treatment of the opinions of the minority. Almost no regard was paid to the opinions of the minority in Committees officially set up in the past. Only the decision finally agreed upon, based on the majority's opinion was made public. Such an attitude towards the minority should not be allowed in the Committee which will discuss the important problem of constitutional revision. The Government should publish the opinion of the minority.

Since the constitution is the supreme law which has an actual effect on the life of the people, its revision is not a problem of mere legislation. As a result of defect, our country is now confused. The fundamental policy for the construction of a democratic JAPAN has already been affirmed, but reactionary forces in the respective fields of society are not yet swept away. Furthermore, signs are to be seen of a revival by the reactionaries. Is it not the opinion of the majority of the people that the enactment of the revised constitution be made as a super structure for the democratization of each field of society?

Be that as it may, it is not permissible to force the people to accept the Government's decision on revision prior to the general election. The matter requires much prudence since it relates to the supreme law of the state, the nature of which cannot be changeable, although the constitution has already proved to be perishable.

We believe that the policy the Government now intends to adopt cannot be considered adequate

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ITEM 3 Constitutional Reform - Tentative Draft Submitted to the Throne -
Asahi Shimbun - 8 Feb 46. Translator: J. Weiller.

500.1
Full Translation:

Minister of State MATSUMOTO returned to the Imperial Palace at 1400 on 7th February and reported to the Throne in detail regarding the tentative draft of the revision of the Constitution which had been drawn up by him. The final explanation on the draft, after four consecutive cabinet meetings, was made at the meeting of 4th February. It is noteworthy, however, that the report to the Throne was made not as the Government draft but as Minister MATSUMOTO's tentative draft.

The draft in question is based on "A" plan, of the two on which deliberation was made by the Investigation Committee of the Constitutional Problem, and was planned and drawn up principally by Minister MATSUMOTO. "B" plan on the other hand, was a joint production of members of the above Committee. The most notable point in "A" plan or MATSUMOTO's tentative draft is that the first four articles are left unaltered with the sole exception of Article III where the word "sacred" is replaced by "supreme" of the provision reading, "The Emperor is sacred and inviolate."

According to the explanation of State Minister MATSUMOTO, if Articles I to IV are left as they are, it is possible to democratize the Constitution by revising other essential articles on the line of greatly curtailing the Emperor's sovereignty. However, many of the influential members of the Investigation Committee entertained a contrary opinion, which can be well perceived in the Committee's "B" plan. All the same, "A" plan has been completed according to MATSUMOTO's firm conviction that there is no necessity for touching Articles I to IV. Throughout the four Cabinet meetings held since 30th January, the Ministers mostly listened to the rough explanation and report on "A" plan and debates were mainly on minor legal questions or phraseology, but regarding the Emperor's sovereignty, which is the fundamental question in the revision, no profound debates from high political angles were exchanged.

Dissatisfaction is being felt in the Cabinet in this connection, especially, grave doubt is entertained in a certain section as to the possibility of a fundamental democratic revision without touching Articles I to IV. The opinion is expressed to the effect that as the revision should naturally be undertaken with a view to perpetuity, since there would not be much sense should a further revision be necessary in the near future, half measures in the revision will go counter to the drafters' aim in leaving causes for disturbing the Emperor System in the future, in view of constantly changing political situation. Consequently, more thorough debates from a higher political view point should be made at cabinet meetings.

The position being as it is, the present draft is after all being treated as MATSUMOTO's tentative draft and in order definitely

POLITICAL SERIES: 305 (Continued)ITEM 3 (Continued)

to decide on this as the Government draft, further careful debates at cabinet meetings are deemed necessary. Regarding the point as to how the draft, after having been reported to the Throne as MATSUOKO's, should be decided as the Government draft has not yet become a subject of discussion at the Cabinet meeting. Whether or not the draft will smoothly take the course of decision at the cabinet meeting - decision at the Deliberation Committee - ratification at the Privy Council - submittance to the Diet, as planned in his mind, will depend on the future development of the question.

Insufficiency of political scrutiny in dealing with the revision problem at the cabinet meetings is bored by the fact that there was no penetrating argument on Articles I to IV. Indeed, a proposal was made in this connection by Education Minister ABE at the meeting on 29th January to clarify the Government stand from an educational viewpoint regarding the Emperor System and again on the regular meeting on 5th February the expression of his frank opinion was made in the same connection, but it was almost ignored except for the response by a section of those in favor of it who stated their opinion on legal trivialities. Such a state of things reveals the Cabinet's lack of a sincere attitude in trying fundamentally to solve this most important political problem and it is hoped that the Government will take more courage in dealing with a chain of important political problems from a higher political viewpoint.

In any case, as due respect must be paid to the opinion for amendment on MATSUOKO's tentative draft among the Government circles, Premier SHIDEMARA's handling of the matter and final ruling is worth our attention.

ITEM 1 MATSUMOTO's Views on the Constitution - Provincial Newspaper - Kahoku Shimpō (SENDAI) - 3 Feb 46. Translator: K. Murakami.

500.1
Full Translation:

Minister without Portfolio MATSUMOTO spoke to the cabinet correspondents on the Constitutional problems at the official residence of the Premier, at 1400, 1 February. At the interview, he especially emphasized the following points:

1. Articles from I to IV of the draft of the Investigation Committee on Constitutional problems are nearly the same as the original, though there is some slight differences in wording.
2. However, you should not judge that the sovereignty is in the hands of the Emperor only on the ground that the above four articles are the same as in the original Constitution. It must be discussed, for since the theories of the political articles are smaller than the original, each article is more stabilized.

Mr. MATSUMOTO's full statement is as follows: "The plan of the revised Constitution by the Investigation Committee has been finished. The plan is composed of two drafts; draft A and draft B. Draft B is very extensive, filled with various items and laws concerning whether the sovereign power is in the hands of the Emperor, nation or the people. It is a great mistake to bring it into the Constitution.

Though the four articles are not changed, we endeavored to realize the doctrine of the POTSDAM Declaration, that is, to make a democratic Constitution. As regards classifications (A), (B), (C), etc., important items and opinions of ministers are written in articles of draft B which are classified A, B, C, etc. In a certain newspaper, the so-called tentative plan of the Investigation Committee on Constitutional revision was published on 1 February. But, it has no relation with the above draft A and draft B, though I received various plans similar to our plan at the end of last year. I explained about the drafts at the cabinet meeting on 1 February. I will explain them more minutely next week.

We will reach a final decision on the plan of the Committee at the plenary session to be held on 2 February, then, after a recess, the Committee will investigate subordinate legislations and will discuss the opinions of ministers. The plan of the Committee is to be decided on at the cabinet meeting as the Government's plan, which will further be examined at an investigation council to be established by the Government organization. If possible, I intend to make it public by 1 February (TN Presumably misprint for 1 March.), the day of the official notification of the general election. However, it may be delayed due to many troublesome steps.

After being examined finally at an investigation council, the Government's plan must be sanctioned by the Emperor through the Privy Council. Thus, it is submitted to the Imperial Diet by the Imperial Ordinance. This is the initiative of the Emperor. As for the procedure, the special consideration of the Emperor will be written down in a writ by Imperial Order, and it will be issued in the form of the Imperial Rescript.

I cannot yet disclose the contents of the plan. The only thing I can say is that articles from I to IV are almost the same as in the original Constitution except for some slight differences in the wording. I fear, however, that you should think it very conservative only on the above reason. For instance, Article IV defines that the Emperor is the Chief Executive of the country who exercises sovereign power in accordance with the articles of the Constitution. As the Emperor must exercise his sovereign power always in accordance with the articles, we should only make each article democratic.

Even though Article IV is left unchanged, it does not always mean that the subject of the sovereignty is the Emperor. In what does the sovereignty exist? In the public, nation or the people? As for me, I think that such discussions belong to the world of theory. We are quite free to judge on it. It is not good to bring such ideal definitions into the Constitution, excluding any other views. We wish to revise it along the lines of the POTSDAM Declaration. Through there are less articles than in the original Constitution, the principles of the Declaration are more concretely brought into each article."

ITEM 4 Constitutional Revision is Affected by the Collapse of the Established Camps - Tokyo Shimbun - 8 Feb 46. Translator: J. Weillar.

500.1
Full Translation:

Having obtained a basic standard as a result of negotiations with the powers that be, regarding the extent of application of the purge directive, the Government has decided upon a framework to have an Imperial Ordinance promulgated in pursuance of the directive. According to the Ordinance, the Progressive Party, which embraces a great majority of the established camps, will virtually collapse by the forced retirement from the first line of nearly all its leaders including the President. The Liberal Party is to lose several of its leaders because of their having been managers of the old JAPAN Political Association.

In this regard, the Government, with the intention of letting as many of the established camps as possible remain, at first drew a fairly wide circle for embracing eligibles. They made endeavors to ask the Headquarters for exceptions for specific cases, but political purification continued in the same stern directive. It has had to be content with the lowest line of demarcation. Such an intention by the Cabinet is quite expected from its conservative characteristics, but it indicates its possible resistance in obstructing the advent of leftist elements into the Diet. It also suggests its endeavors to protect the present Emperor System in the proposed revision of the Constitution.

This is made plain by the fact that the Government is now studying the draft in order to submit a revision bill to an extraordinary session following the General Election, but, as was often declared by State Minister MATSUMOTO, no revision is to be made on Articles 1 to 4. This means that the Government is determined to defend to the last the conception that sovereignty rests with the Monarch. The jealous belief that it will attend to the protection of the Emperor System by carrying out the Constitutional revision by its own hands is the only ground which justifies the SHIDEHARA cabinet's survival. Consequently, it will be a blow to the Government that the influence of the Progressive and the Liberal Parties, which are expected to support in principle the Government intended revision, should be impaired. For that reason it will be a matter of great concern to the Government as to what result, not in quality, but numerically, the next election will show in diagram.

Nevertheless, whatever proportions be shown in the composition of the new Diet, Government attitude, with regard to the Constitution revision, is decisively firm. Therefore, should an attack be made on the Government which threatens the foundation of the Emperor System according to the Government view, it is determined to stake its fate in as lawful a method as possible.

This can be deduced from the statement made at a press conference soon after the formation of the present Cabinet that, "In case the Diet opposes the Government on a specific policy, the formula of asking the people's will by re-dissolving the Diet is the most democratic method of operation." A "specific policy" in the statement means, in the present instance, the Constitutional problem. In view of the above statement it appears probable that if, in the coming extraordinary session, the Government is threatened with an amendment on the Constitutional bill that jeopardizes the Government's fundamental principle in connection with the Emperor System, it will take the resolute step of re-dissolving the Diet and trying to push through its belief after asking for the people's verdict on the issue.

However that may be, should a fair and impartial election be carried out, based on the Purge Directive which has the wholehearted support of the nation, whatever be the Government or political parties' intention, all the questions, including the composition of the Diet and the Emperor's status, will be decided by "the will freely expressed by the people." Viewed in this light, both the Government and the Parties should realize that whatever zeal they may have, their programs will be nullified should they ignore the essential task imposed on the General Election.

ITEM 1 Terms and Their Uses in the Constitutional Question - Jiji Shinpo -
3 Feb 46. Translator: M. Kawanabe.

500.1
Full Translation:

Needless to say, the Emperor system might well be called the most important question in the revision of the Constitution. In making a summary of opinions of published in all quarters so far, the Emperor system as it exists at present is universally admitted to be abolished.

As the words concerning the Emperor system, however, were not defined prior to their use, there are often confusions in meaning. That is, no careful discrimination is made between the Emperor system as provided in the present Constitution and the system generally used in the meaning of monarchy. In consequence, there are such opponents of the Emperor system who are not necessarily against monarchism and still less in favor of republicanism. It is, therefore, very necessary to do away with the misuses of these words.

Everyone who discusses the Emperor system is busy in raising the question of with whom the sovereignty is to rest. So far, there are two opposing opinions, that is, one which asserts the residence of the sovereignty in the State, and the other which affirms that it lies in the people. There is, however, nothing so abstract as the question of sovereignty. With whomever it may rest, the "State", the "people", and the "Emperor", are all abstract terms, not to speak of "sovereignty" itself.

Since a certain French scholar advanced a theory on sovereignty, a great many theories have been put forward on that subject by a variety of scholars and politicians. However, it is, after all, nothing but a fiction to justify the State and its government. Even the State itself is a fiction which humanity has contrived most cleverly. It is a sort of drama for a man to behave as if the State really exists as an entity. Thus, there are prevailing various opinions on sovereignty in this country, misguided by those theories which are, in vain, trying to catch the real shape of it.

It is regrettable that since the revision of the Constitution attracted general attention in this country, the terms concerning the Emperor system have not yet been defined, and opinions are apt to be misinterpreted. In my opinion, political parties should prepare to give exact definitions for the Emperor system and sovereignty with simple and plain words, in consideration of the situation which necessitates the revision of the Constitution, and the Emperor system. Care must be taken to avoid abstract terms as far as possible.

The revision of the Constitution is by no means a matter of law alone. It has a decisive bearing on the future of JAPAN. Who can predict that a sudden change such as a revolution will not occur. Therefore, the political parties, right or left, must endeavor to have their policies fully understood by the majority of voters by setting forth plain and popular explanations.

The aim will be thus realized that the new organization of the Japanese Government shall be decided by the will of the Japanese people, as the POTSDAM Declaration has stated.

ITEM 3 An Appeal to Public Opinion? - Tokyo Shinbun - 7 Feb 46. Translator: A. Kido.

Full Translation:

5001
Upon confirmation by a cabinet meeting of the MATSUMOTO plan, the Government will report on the plan to the Throne in private. Thereafter, the Cabinet will decide the questions under consideration between Minister of State MATSUMOTO and Prime Minister SHIDEHARA, the questions being: (1) whether the Constitution Reform Bill should be presented to the coming extraordinary Diet Session or not; (2) to set up a commission of inquiry on Constitutional Revision, so as to introduce to it the said plan; (3) to appeal to public opinion, while submitting the plan to the new Diet Session.

The draft of the Government's tentative plan, the first step towards the Constitutional Revision, will be completed once these questions are settled. The process of realizing the Constitutional revision is expected to go through the following three stages:

Stage 1. After confirmation by the Throne, the tentative plan will be submitted to General MacARTHUR for approval. But an answer from SCAP may not be expected before the end of February, because not only SCAP itself but also the Far East Commission and all other Allied Government will certainly partake in the investigation of the tentative plan.

Stage 2. Organization of a "Commission to investigate into Constitutional revision (provisional)" and announcement of the tentative plan. Since the existing "Commission on investigating Constitutional questions," is not a Government organization, upon receipt of consent from the Allied Powers, the Government will set up the above-mentioned Government organization composed of the present members of the committee as well as Diet Members and other authorities, in order to investigate MATSUMOTO's tentative plan and to appeal to public opinion at the election campaign by publication of the plan. The original draft of the Government will then be decided upon.

ITEM 1 "Idealism Should be Rejected in Constitutional Revision" - Provincial Newspaper Niigata Nippo (Niigata) - 7 Feb 46. Translator: H. Furukawa

Summary:

5001
The constitutional revision plan drafted by the Government seems to have no intention of changing the sovereignty of the Emperor, and the Government holds the view, as revealed by Mr. MATSUMOTO, Minister without Portfolio, that the democratization of the Constitution can be made satisfactorily by the amendment of provisions relative to the exercise of sovereign power, without bringing any change in sovereignty. All the opponents of the Government's plan seems to agree on the point that there is a danger in the future that undemocratic forces will rule under the name of the Emperor, if the sovereignty of the Emperor is not made titular and an express provision to that effect not provided for in the Constitution.

We think that there still exists the danger of giving rise to undemocratic forces even with the curtailment of the Emperor's sovereignty. Our view can be proved by the dictatorships and coup d'etats both in old GERMANY and Latin AMERICA where typical democratic constitutions existed. The Emperor's rule is most adaptable to our national tradition and there is no need to change it without regard to the new danger which can be created by an untried political system. Japanese politicians are in general idealistic and lack realistic views of the situation. Constitutional amendment should not be carried out in a temporary fashion, in the sentimentalism or with mechanical idealism.

ITEM 1 Allied Headquarter's Attitude toward Constitution Revision - Mainichi Shimoun - 8 Feb. 46. Translator: T. Kitayama.

Full Translation:

500.1
It is understood that State Minister without portfolio MATSUMOTO has sent in the draft of the Constitutional revision to General MacARTHUR's Headquarters, asking for informal consents to it. Concerning this, a spokesman from Headquarters made the following explanatory remarks in a joint interview on 7 February.

MacARTHUR's Headquarters will give consent, in principle, to the revision of the Constitution, but it will not necessarily approve of specific details. If some responsible party presents its draft for the Constitutional revision to Headquarters, the latter will receive it with due consideration. In that case, "responsibility" is of grave significance, and all proposals will not necessarily be considered. Concerning the problem of the Constitutional revision also, hundreds of letters containing information, suggestions, questions, criticisms, etc. has been sent to Allied Headquarters. Of these, only those which bring up questions of special importance are sent to a department or section for deliberation.

"However, the Headquarters persists in the fundamental principle that the Japanese Government should be held responsible for the solution of the Constitution problem. If the Japanese Government does not resort to any action even with those drafts which the Headquarters has approved, this Headquarters will be much concerned, if it is informed of the fact. But we cannot encourage the Japanese people who request MacARTHUR's Headquarters to take action in place of the Japanese Government.

Under a democratic system, the Japanese people, in case their intentions are rejected, can resort to an alternative of changing their representatives. In AMERICA, if the people are not satisfied with the representatives they have chosen, they can change their representatives, every second year in the House of Representatives, every fourth year in the case of the President, and every sixth year in the case of the Senate. But even if the American people are dissatisfied with their representatives, still they place trust in the Government, without disturbing its functions. They quietly wait for the next election, co-operating with the organs representing them. JAPAN is different from AMERICA in national conditions, but this principle will hold good in the case of JAPAN also. If the draft of the Constitutional revision drawn up by the Japanese Government is approved of by the Headquarters, it will be the result of the national situation of JAPAN taken into consideration by MacARTHUR's Headquarters. This, of course, does not mean that the draft will be recognized all
once.

ITEM 4 Revision of Constitution Progressing: Article by Article Examination Finished - Asahi Shimoun - 5 Feb 46. Translator: S. Hirata

Full Translation:

500.1
On the part of the Government, the special session of the Cabinet Council has been held from day to day since 30 January, on the problem of revising the Constitution. MATSUMOTO, Minister of State Affairs and concurrently Chairman of the Constitution Investigation Committee, made a report on the progress of discussions at the committee meeting and the contents of the two kinds of draft as regards the revision of the Constitution to the Cabinet Council, and the members of the Cabinet compared notes with regard to this report. Article by article examination being over, future courses with regard to the revision of a Constitution will be decided at the Cabinet Council to be held on Tuesday.

ITEM 3 General MacARTHUR's Headquarters' Opinion On The Constitutional Problems - Yomiuri Hochi - 8 Feb 46. Translator: M. Kojima.

Full Translation:

500.1

With regard to the problems of revising the Constitution, the draft amendment has already been worked out by the Constitutional Problems Inquiry Commission as a Government organization, and within several days, the draft will be framed into the final Government bill for the revision by the acknowledgement of a Cabinet council. On the other hand, a great many of the Constitutional drafts are being drawn up on the functions not only of civilians but also of political party-men. Moreover, what the attitude of General MACARTHUR's Headquarters towards this important problem to decide the future of new JAPAN has become a matter of great interest for the Japanese people. Just at the moment, in an interview given to Japanese newspapermen on 7 February with the authorities concerned at General MACARTHUR's Headquarters the following three questions were asked by the newspapermen.

1. The government-sponsored bill for the revision of the Constitution should secure Allied Headquarter's informal consent. But, will not this bill give the impression to the people of JAPAN that it is supported by Allied Headquarters?
2. The draft amendments of the Constitution are being drawn up not only by the Government but also by political party-men and civilians. What is the attitude of General MACARTHUR's Headquarters to these drafts?
3. It may be possible that the government bill for the revision will be denied as a result of the discussion in the Diet. What would General MACARTHUR's Headquarters think of such a situation?

A General Headquarters' spokesman expressing the following opinion on the afore mentioned questions, has clarified the Allied Nations' interest in the revision of the Constitution. "Needless to say, the government-sponsored bill for the revision of the Constitution should, as a rule, secure the unofficial consent of General Headquarters. But it can be thought that there is no need to secure the consent to the minutest details of the bill. We know that many draft amendments of the Constitution are being worked out not only by the Government but also by political parties and civilians. General Headquarters will consider the drafts presented by responsible men or parties.

"Nevertheless, it is a matter of course that the Japanese Government should solve questions which closely concern the Japanese people. The Government itself should find clues to solve these questions. At any rate, it is undesirable that the Japanese people should depend more upon General MACARTHUR's Headquarters than the Japanese Government. If proposals brought forward to the Government by the people should be neglected because of the Government's senselessness, General MACARTHUR's Headquarters will assume some attitude towards the Government."

ITEM 3 The Part of the Government in Revision of the Constitution - Provincial Newspaper, Kahoku Shimpō (Sendai) - 31 Jan 46. Translator: H. Furukawa.

Summary:

500.1

The coming general election will be high lighted with the problem of the Constitution revision as its main subject. All the parties have announced their stand on the revision of the Constitution while the present interim Government, to our amazement is also drafting a revision plan of its own. The present Government which is scheduled to resign directly after the election can never be qualified to draft a good revision plan. The mission of the Present Government should be to enlighten the people in preparation for the revision by publishing the draft of it as early as possible.

ITEM 1 Public Opinion Reflected-Provincial Newspaper Hokkaido Shinbun (SAPPORO)
7 February 1946. Translator: M. KAWANABE.

500.1
Prudent study in the revision of the Constitution is being practiced by the Government, political parties, and various associations. Its outline have been gradually clarified. After arduous efforts, the Government has worked out a Constitution draft by the Committee on the Investigation of the Constitution, whose chief, Mr. MATSUMOTO, has been appointed Minister without Portfolio. As the draft passed through the scrutiny of the Cabinet meeting held on 4 February it will be decided formally as the Governmental Draft provided that it is authorized by SCAP. It is reported that the Government is intending to publish it if possible, before the announcement of the general election scheduled on 1 March.

According to Mr. MATSUMOTO, no marked amendment has been made in that draft except for a slight modification of some words in Articles 1 to 4 which form the frame of our Constitution. That is, the text of Article 4 remains untouched as it runs as follows: "The Emperor is the sovereign of this State and will exercise the supreme power in conformity with the articles of this Constitution." By this, it is meant that the democratization of the Constitution should be achieved by exercising the new interpretation and application to this untouched text while in other articles the curtailment of the authority, the thoroughness of the responsibility of Ministers, and the protection of the people's rights are realized.

The variety of theories regarding sovereignty that the Minister set forth consists only of personal views. Though it is everyone's right to stand by any sort of theories, it will be inadequate to introduce any specific theory in the making of the Constitution because otherwise it will lose its elasticity forever. Regarding Article 3 in which it is stipulated that the Emperor is sacred and inviolable, the Minister stated that the word "sacred" was to be replaced by other words. This is perhaps in line with the motive of making clear the true meaning of the word "sacred" in view of the thoroughness of the responsibility of Ministers and the curtailment of the authoritarian powers. That is, it is more clearly stressed that the Emperor himself shall be on no account responsible for his exercising the supreme power. On the other hand, the old impression on the minds of the people, strongly caused by that theory of the divine right of the Emperor, will be cleared up. On that point, this may well be called a proper amendment.

Though the outline of the draft was given, it is not yet in detail, or clarified as to the scope in which the authoritarian power has been curtailed. It is expected, however, that all sorts of criticism, from their own point of view, will be made by all the political parties and associations except the JAPAN Progressive Party. The Liberal Party says that sovereignty rests with the State and the JAPAN Social Democratic Party also asserts a similar opinion, while the Communist Party insists on its origin from the people. Among the private associations for study, one,

among whose members Mr. SUZUKI, Yasuki, and Mr. MORITO, Tatsuzo, are active, stands on the opinion that sovereignty derives from the people. It states additionally that the Emperor shall perform national celebrations. Another party, in which Mr. TAKANO, Iwasaburo, presides, affirms the residence of sovereignty with the people and insists that a republic with a president should be adopted.

As the Governmental Draft is made clearer, and also as the drafts of political parties and societies become clarified, there will arise among the people serious criticism arousing heated discussions throughout the country. For the benefit of the political development in this country, we cannot help hoping for the ardent study and investigation of that problem. Of course, as a great ceremony of imperishable fame, the Constitution should not be subjected to frequent revision. We therefore require of the Government to use prudence in the scrutiny of the draft and to aim at the perfection of the new Constitution. In this respect, we desire that the Government should publish the text of the Governmental Draft, as soon as possible, so that there may be enough time for the voices of the people to be reflected in every article of the Constitution.

ITEM 1 (A) Control of the Diet. (B) Utilization of Demobilized Soldiers -
Provincial Newspaper Niigata Nippo (Niigata) -- 11 February 1946.
Translator: S. Ota.

500.1
Full Translation:

Control of the Diet

The rights of the Diet will increase greatly owing to the revision of the Constitution and the reform or abolition of various systems and organizations. Since this is the first requisite for the democratization of JAPAN, we Japanese people must succeed in this by all means. At the same time, we must pay strict attention to the relation between the Diet and the Nation as specified in the law. Is it sufficient that the will of the Nation be limited to the general election, which takes place only once in four years? We must seriously consider this question.

The rights of the Diet have heretofore been restrained, directly and indirectly, or explicitly and implicitly, by forces or "magic" powers. It is still a fresh memory of the Nation that the self-styled political party Cabinets assumed dictatorship in the name of majority. The present main political parties are rather an extension of the past ones, and many newly-born political parties are under the influence of the old regime. Hence, if we allow them the rights which will be enlarged and strengthened rapidly, we wonder if it will not result in "letting loose a tiger in a crowded street." Therefore, we must strictly control the relationship between the Nation and the House of Representatives by other means than franchise.

We must be attentive to the "Principles of the Revision of the Constitution" (KEMPO-SOAN-YOKO) disclosed by the Constitution Investigation Society (KEMPO-KENKYU-KAI). In this draft they advocate: 1. The Nation can dissolve the Diet by a national vote. 2. The Nation can veto a decision of the Diet.

We must also learn from the Constitution of the SOVIET UNION. In the 142nd Article of this Constitution, it is stated that each representative of the Supreme Soviet shall have the obligation to report his own activities and those of the Council to his constituents. Moreover, the representative shall be dismissed at any time by a procedure specified in the law, if more than half of his constituents decide upon it. The voters will be able to select a new representative to fill this position.

After all, the plan made by the Constitution Revision Society aims at the right of veto of the Nation over the Diet, whereas the Constitution of the SOVIET UNION declares the right of veto of the Nation over each representative. Apart from the concrete measures to be taken, either of these rights of veto would be sufficient to check the arrogance and arbitrariness of the Diet, if only the spirit of these rights are firmly based upon the law. Moreover, true democratic politics will not be completed unless the Diet and the Nation are always directly connected with each other.

We eagerly desire that those who are concerned in the Constitution, to say nothing of those who are engaged in revision thereof, will not overlook these points.

ITEM 3 Secrecy in the Procedure of the Constitutional Revision - Nippon Sangyo Keizai - 5 Feb 46. Translator: J. Weiller

500.1
Full Translation:

Regarding the Constitution Revision, at the Plenary Meeting of the Investigation Committee on the second the committee's draft materialized with a few amendments so that the Government will arrive at the final decision on it at a Cabinet meeting on the fourth or fifth. The Government is further to submit the draft to the Deliberation Committee where it will be studied by that body composed of Government officials and others, but against the procedure now being taken up by the Cabinet Critical opinion is gradually gaining ground that as it still savors of the bureaucratic secrecy it should be done in a more democratic manner. According to State Minister MATSUMOTO the Government Draft, as soon as it is approved, is to be made public and at the same time be submitted to the Deliberation Committee, but, it is pointed out, then it is doubtful how the public will reflect on the Committee. It is suggested, therefore, that the Government, from the standpoint of respecting the people's will, should immediately publish its draft and after observing the national trend, should frankly and courageously amend the draft, if necessary at the committee, thus completing the real democratic revision of the constitution.

It is further pointed out that, when the bill is brought up before the Diet under the Imperial order a question will arise regarding the Diet's right of amendment of the revision bill. According to the provision of Article 73, which deals with the procedure of revision, the Diet is not empowered to propose a revision, consequently it has no right of amendment. However, the present revision being the first instance since the enactment of the constitution and also in view of our acceptance of the POTSDAM Declaration, it is deemed necessary that a new departure should be attempted in the procedure of revision. Namely instead of vesting the Diet, which is devoid of initiative, with a mere resolution of yes or no, the right of amendment should be accorded to it in a high degree. This question is expected to be a big issue before the coming extraordinary session and it appears that State Minister MATSUMOTO is making studies with a view to admitting this right in some form.

Such being the case, some measures are expected to be worked out before the extraordinary session regarding the right of voting in connection with the Constitutional revision, and in such a case vigorous discussion on the bill will evidently be developed in the new Diet.

ITEM 2 A Non-Official Constitutional Assembly Proposed by Mr. TAKANO and Others - Mainichi Shimbun - 14 Feb 46. Translator: S. Hirata.

500.1
Full Translation:

The rough draft of the revised constitution was published not long ago by the Non-official Constitution Inquiry Association with Messrs. TAKANO Iwasaburo, MORITO Tatsuo and SUZUKI Yasuzo as leaders. Since then, they have been holding a society for the study of the constitution revision every other week, and proceeded with the investigation. But, at a gathering held on the 15th, it was decided to appeal to a larger circle including various political parties, labor associations, organs of public opinion and cultural societies etc., instead of keeping the study solely within the same Inquiry Association. It was also decided to convene a non-official constitutional assembly by adopting the establishment of a constitution of the people by the people themselves, as a slogan.

The same assembly is scheduled to be convened by the middle of March at the latest. Thereby, its purpose is to realize an effective non-official constitution revision draft by putting various tentative plans together to be introduced by a large number of factions concerned. Furthermore, the same assembly will lead the movement in realizing the adoption of the draft. This movement will play an active part in the democratic common front.

ITEM 1 Dr. Sasaki Speaks on the Constitution- (Provincial Newspaper) Iishi
Nippon Shimbun (Fukuoka) - 14 Feb 46. Translator: K. Murakami.

500.1
Full Translation:

Dr. SASAKI, Soichi, who assisted the late Prince KONOE in drafting the revised Constitution gave a lecture on 12 February at the YAMAGUCHI Higher School, and after the meeting he talked on the subject of the Constitutional problems in reply to questions of the correspondent.

Question: What has become of the draft of the government on the Constitution?

Answer: I don't like to refer to it because it is a provisional one, and is not decided on as yet.

Question: What do you think of the Imperial Prerogative and of the article which defines the Emperor as 'sacred and inviolable'?

Answer: The Emperor is a man, too. 'Sacred' does not mean 'mysterious'. The phrase means that the nation should appreciate the particular dignity of the Emperor and not take a destructive attitude against him.

Question: Has he no responsibility?

Answer: From the legal point of view the Emperor has a responsibility, too. The number of the articles of the present Constitution is 76, while the articles, which I have drawn up freely, number 100 up to the present. I should like to answer it when it is revealed.

Question: Is the Privy Council to be abolished or not?

Answer: I do not think it necessary to abolish it. There must be an organ to which the Emperor makes questions when he will. I think, however, that there is no need to let everything go through the Privy Council.

Question: Then, what do you think of the House of Peers?

Answer: There is a reason for maintaining it; that is to say, there may be an organ through which bills passed by the House of Representatives can be re-investigated from different angles. The House of Peers is worth having in this sense of the word. However, the so-called professional representatives are to be formed in the House of Representatives.

Question: Let me know your view on democracy.

Answer: I don't like to adopt such a word, because democracy is a co-ordinate concept to monarchy. I prefer the 'principle of the people's will' or the 'polity by the people's will' to 'democracy'. Generally, people confuse the sense of 'democracy', I think.

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GENERAL HEADQUARTERS
 SUPREME COMMANDER FOR THE ALLIED POWERS
 ALLIED TRANSLATOR AND INTERPRETER SECTION

PRESS TRANSLATIONS

No. 1261

DATE: 11 Feb 46

EDITORIAL SERIES: 408

ITEM 1 Revising the Constitution - Magazine: Shinjidai (monthly) - Jan 46
Issue - Translators: Pfc. J. S. Ito & W. Masumura.

500.1

Extracts:

The work on the revision of the Constitution seems to have reached a conclusion, and is now awaiting the judgment of the world. I regret that though the problem is a great one in establishing a basis for democratic JAPAN, the public does not seem to display much interest. As long as a government is not formed which will sweep away the nation's privations and give the people substantial hope for the future even though it may involve hardship, and as long as the Constitution is not made by such a government and along these lines, the nation will not give it its enthusiastic support.

Though the Government has heard the voice of the public and though it has made an effort to patch up the broken old order with temporary measures, prepared by the bureaucracy and the scholars who would not proceed along the line of the nation's demands for democracy, a new democracy will not be carried out. The authorities, with their stubborn ideas, do not seem to know this.

"JAPAN, in the 1920's had a democratic government," said Premier SHIDE-HARA to the Associated Press. Indeed, if the HAMAGUCHI cabinet or the WAKATSUKI cabinet should be regarded as a "democratic cabinet", JAPAN's democratization would not demand any revision of the constitution. The democracy demanded by the people is not like that which established the law for the maintenance of public order, supported imperialistic policy while pretending international cooperation, denied women suffrage, and thrust the nation into the depths of unemployment and depression. The democratic constitution demanded by the public is not like that which allowed the militarists and bureaucrats to become supreme. The nation demands a government and a constitution that will permit protest against misgovernment and privation.

Whether the present constitution is incompatible with democracy or not may depend upon the explanation of its significance and its application. If there seem to be any anti-democratic intentions or if there is any room available for a return of reactionary powers I believe that we should disclose the fact and reform the constitution along a more democratic basis.

The Constitution of our country is called "KINTEI KEMPO" or a constitution granted by the sovereign. It differs from those of foreign countries in that our Constitution was given to us by the benevolent Emperor and was not a result of persistent demands made on Him by the nation as in foreign countries. This is the essential beauty of our national polity. We have been taught in this manner, but the fact is, in spite of the benevolently granted constitution, we have been pinned under oppressive politics as much as before the constitution was granted.

EDITORIAL SERIES: 408 (Continued)ITEM 1 (Continued)

Under traditional oppressive politics for so long, the majority of our nation unfortunately has become inured to the circumstances. The people cannot understand what democracy is. However, we must not leave the situation as it is. While removing all traditional, oppressive politics and sweeping all obstacles from the road of democracy, we must create a free-thinking people and establish a democratic country.

The Constitution of our country is regarded as a great inviolable law granted by the Sovereign. For revision, the work needs proposals from the Emperor himself. This is because its makers intended to set the Constitution, on such a firm basis that it could not be shaken by men in influential positions. The Constitution also aims at being held sacred. As a matter of fact, the doctrines of the Constitution have been applied in an anti-democratic manner, and finally, as a result of the enforcement of the General Mobilization Law, the power of the Constitution was curtailed and it was soon treated like a scrap of paper. The Constitution should be regarded as a scrap of paper from another viewpoint as well. That is to say, since 15 August, 1945, when the war came to an end, our country was placed under occupation by AMERICA, GREAT BRITAIN, U.S.S.R., and CHINA, and, the Emperor's sovereignty was also placed under the control of SCAP. Under this situation, it is an anachronism and a reactionary opinion to consider the revision of the Constitution unnecessary, to think that proper application of its articles will fill the requirements and to regard the present Constitution as appropriate. We must sweep away all obstacles which bar the establishment of democracy. "One revolutionary year is equal to ten peace years," said LENIN. Today is the day of revolution in our country. Great changes are taking place one after another. One day of the present is equal to ten ordinary years.

The revision of the Constitution should not be carried out under the proposals of those political leaders who have made efforts to interfere with democracy, like KONOYE and KIDO. It is certain that such persons cannot make a democratic Constitution. We must oppose their work because it is as dirty as a dinner cooked by a prostitute. It is hoped that the sacred Constitution will be made by those honest politicians, scholars, and thinkers who have no abominable past. The liberal and democratic Constitution should be made after discussion with free and enlightened people. This is a fundamental factor for revising the Constitution.